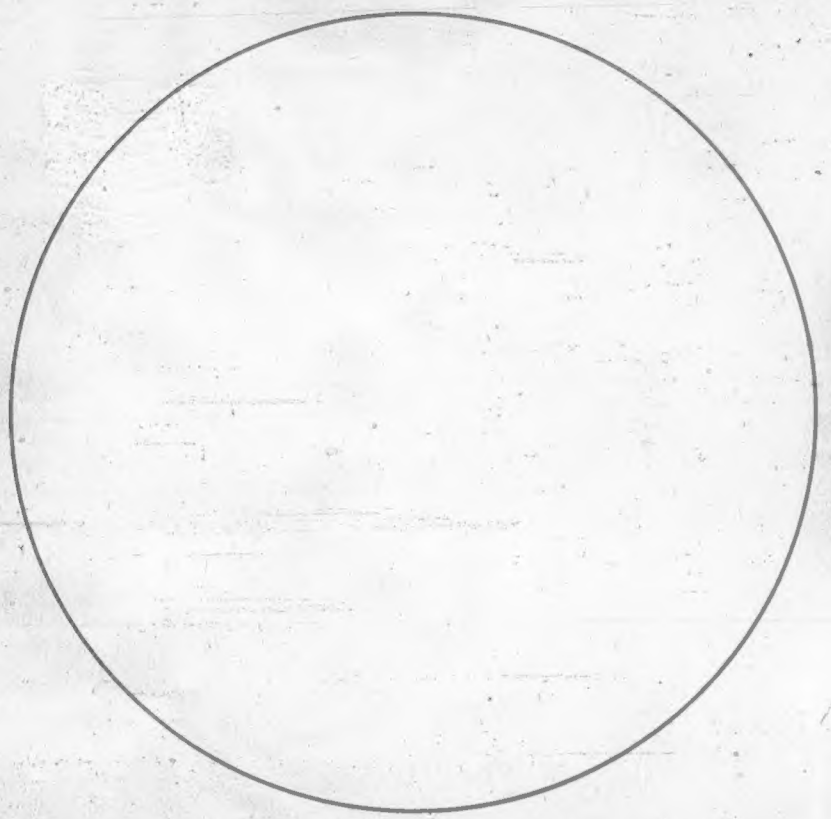
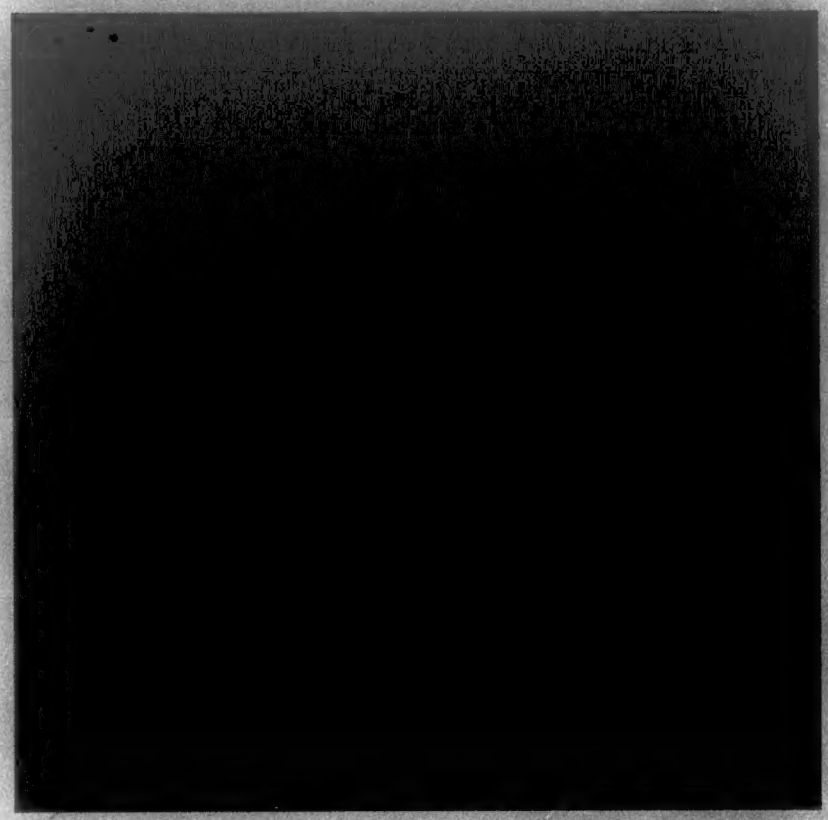


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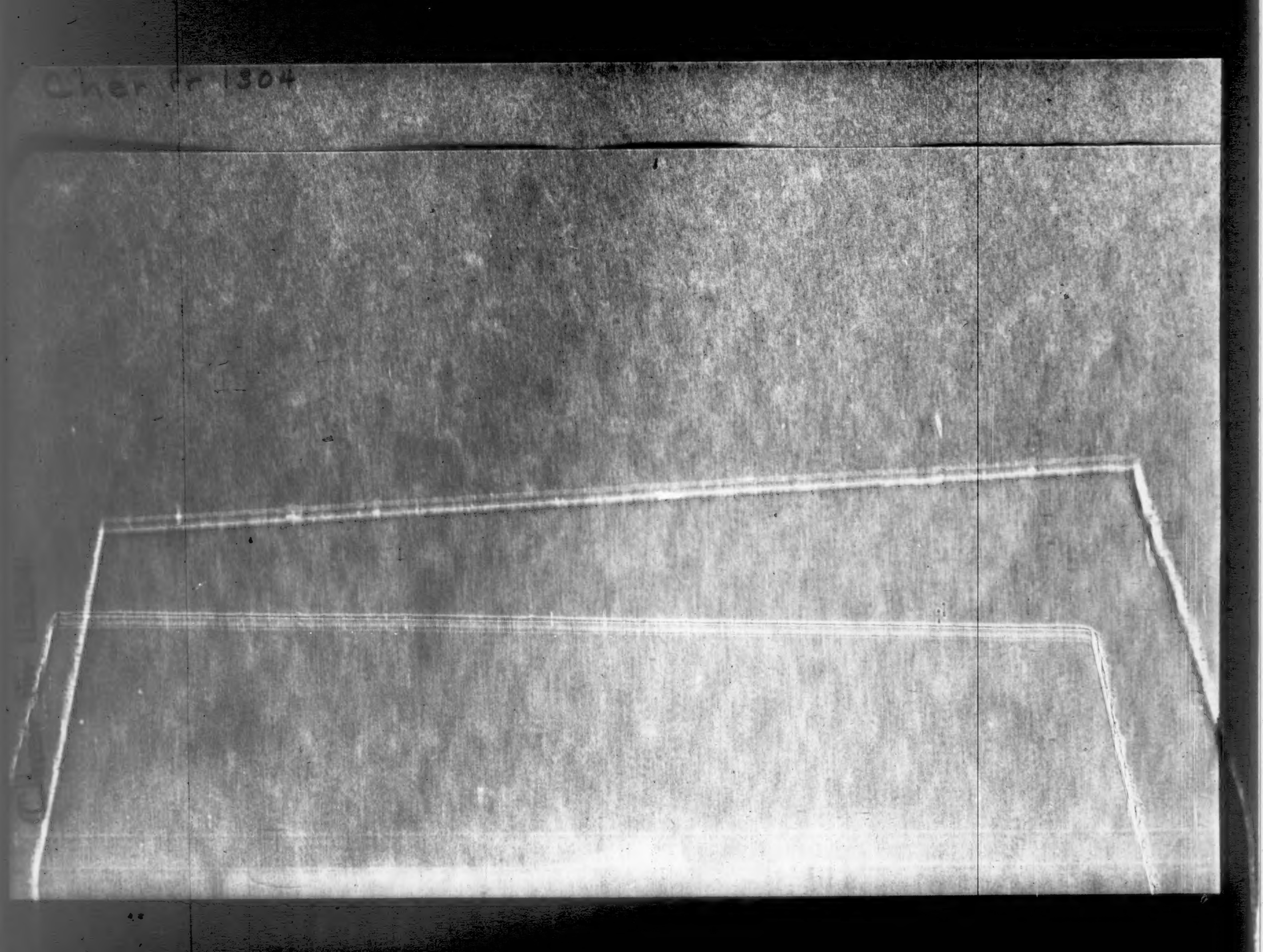
APPLICATIONS FOR ENROLLMENT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES 1898 - 1914

ROLL 293

CHEROKEE FREEDMEN 1304 - 1345

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983


Cher fr 1304

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 15th 1901.

In the matter of the application of Robert Harper for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Robert Harper.
Q How old are you? A. 37.
Q What is your post office address? A. Sotterville
Q In what district do you live? A. Sequoyah
Q Do you apply for enrollment as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled? A. Just myself.
Q What is your fathers name? A. Jordan Harper.
Q Is he living? A. No sir.
Q What is your mothers name? A. Martha Carter.
Q Is that the Martha Carter who applied today to be enrolled? A. Yes sir
Q Where were you born? A. On Cabin creek.
Q In the Cherokee Nation ? A Yes sir.
Q Where have you lived all your life? A. At Vinita.
Q Have you lived in the Cherokee Nation all your life? A. I never have always made my home in the Cherokee Nation.
Q Have you been married? A Yes sir.
Q What was your wifes name? A. Mattie Walker.
Q Is she a citizen? A. No sir.
Q Is she living? A. I guess so.
Q Are you separated from her? A. Yes sir.
Q Not keeping house together? A. No sir.
Q When were you married? A. In 1900.
Q Where did you and she live after your marriage? A. With my mother, on Snow creek.
Q Cherokee Nation? A. Yes sir.
Q Have you lived anywhere else besides the Cherokee Nation since you were a child? A. I have been other places? A.
Q Where? A. Choctaw Nation.
Q How long did you stay there? A. 2, 3 or 6 months, working there.
Q Did you have your wife with you down there? A. No sir.
Q Have you ever worked in the state of Kansas? A. No sir, except that I have gone to Chetopa and blanked boots some days.

By Davenport, Cherokee attorney-

Q You was living with your mother when she was at Hartshorn? A. Yes sir
Q How long did you live there? A. I might have been there 2 or 3 months
Q Where was your wife when you and she were married? A. At Vinita working for Mr. Watson.
Q You have lived in the Cherokee Nation all the time except when you were in the Choctaw Nation? A. Yes sir.
Q Never made your home anywhere else? A. No sir.

Applicant not found on the 1880 and 1896 rolls.

By the Commission:

Q Are you on any roll? A. The Keen Clifton and Wallace rolls.

Keen Clifton roll examined and the applicant found as follows:
Page 102, No 4894, Robert Harper, Sequoyah district.

Wallace Roll examined and applicant found as follows:
Page 119, No. 2713, Robert Harper, Sequoyah district.

By Com'r Needles,-

[illegible] hereby applies for authority to amend the [illegible] filed on the 18th day of [illegible] 1921, and as amended on the [illegible] day of [illegible] 1921, so that he may obtain title to the following described [illegible] to-wit: The [illegible] of Lot [illegible] in Section [illegible] Township [illegible] North, Range [illegible] West of the [illegible] Meridian, Idaho, and that in connection therewith will be made a part of the record in the case the [illegible] and a copy thereof filed herein, the [illegible] [illegible] [illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 27 1901

Acting Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 12 1901

Post Office Coffeyville Kas.

District I. T. Cos

1. Name Robert Harper Age 27

Owner's name Citizenship

Year R. C. Page 162 No. 4054 District Cos

Parents:

Father Jordan Harper — Citizenship

Mother Lydia Carter — living Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

Doubtful

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by No. 1 Stenographer Chas. Colbert Jones

Dan Wallace roll, P. 131 #2,78 — Cos

X Ref. 0.716

To be filed with the case of Rolt Harper C.F.D. # 718

Mellette & Smith for the applicant
W. W. Hastings for the Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 12th 1901.

In the matter of the application of Lydia Carter for the enrollment of herself as Cherokee freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Liddy Carter.
Q How old are you? A. About 48.
Q What is your post office address? A. Corrayville, Kansas.
Q What district do you live in? A. Coowescoowee.
Q In the Cherokee Nation? A. Yes sir.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. My children
Q How many? A. Five.
Q Are you married? A Yes sir.
Q What is your husband's name? A. Charles Carter.
Q Is he a citizen? A. No sir.
Q Give me the names of your children? A. I have no children under age
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A. I ought to be on some of them.

Applicant's name not found on the roll of 1880.
Kern-Clifton roll examined and the name of applicant found as follows:page 162 No.3998,Liddy Carder (or Middleton) Coowee-scoowee dist.
Wallace roll examined and applicant found as follows:
page 130 #2715,Lydia Middleton,Coowescoowee district.

Q How did your name happen to be Middleton? A. I was married to him.
Q What is your husband's first name? A. Tobe.
Q Are you separated from him? A. Yes sir.
Q What is your second husband's name? A. Charles Carter, is my present husband's name.
Q You were married twice? A. Yes sir three times.
Q What was your first husband's name? A. Jordan Harper.
Q Is he living? A. No sir.
Q Who was your second husband? A. Tobe Middleton.
Q And your present husband is named what? A. Charles Carter.
Q Is Charles Carter living? A. Yes sir.
Q He is a state man? A. Yes sir.
Q When were you married to Charles Carter? A. 7 years ago.
Q The first time that your name was ever Carter was seven years ago?
A Yes sir.
(By Smith)
Q Were you a born slave? A. Yes sir.
Q Who did you belong to? A. John Stover.
Q What was John Stover's wife's name? A. Charlotta.
Q Were they citizens of the Cherokee Nation? A. Yes sir.
Q Were they Cherokee Indians? A I dont know if both of them was or not.
Q Was either of them? A. I guess they was.
Q Recognised citizens of the Cherokee Nation? A. Yes sir.
Q How old are you now? A. I don't exactly know, 48 or 9.
Q Where were you living when the war commenced? A on Baties' Prairie
Q Where is Baties' Prairie? A At the old home place.
Q Where was that, in the Cherokee Nation? A. Yes sir.
Q Have you any brothers and sisters? A. Yes sir.
Q Name them? A. Berry Thompson a half brother of mine,and Eliza Gaines

is my full sister, Angeline Stover is my full sister; Nora, and my brother John got killed.
Q What was mother's name? A. Nora.
Q Nora what? A. Stover.
Q Did she ever marry? A. I don't know about that.
Q Did you go out of the Cherokee Nation during the war? A. Our master carried us out and brought us back.
Q When did he bring you back? A. In 1865.
Q Who with? A. With his family, I dont know who all, all of them.
Q Who do you mean by them? A. His children and their children.
Q Did any children come back with you? A. Yes sir.
Q With reference to your family, state which ones your were brought back with? A. Eliza Gaines, Jane Webb, Harry Thompson and my mother.
Q Where were you living when you were brought back? A. When we first came back I stopped with my sister Eliza Gaines in Gibson, I was small
Q Is she older than you or younger? A. Older.
Q Where do you live now? A. On snow Creek.
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived there? A Since the K. T. roll, about 4 years I guess.
Q How long have you been married to Harper? A. Got 7 years in December
Q Have you and Eliza Gaines the same father and mother? A. Yes sir.
Q You said Harry Thompson was your half brother, did you have the same mother? A. Yes sir.

(By W. W. Hastings.)

Q What is your oldest child's name? A. Willie.
Q The next one? A. Jimmie.
Q Is Jimmie dead? A. Yes sir.
Q How old is Willie? A. I dont know.
Q About how old? A. I dont know his age.
Q Is Will married? A. No sir.
Q Living with you? A. No sir.
Q Is he grown ? A. Yes sir.
Q About how long after the war was he born? A. I dont know how long after the war.
Q As much as ten years? A. He was born on B Cabin creek.
Q Near what place on Cabin creek? A. At Mrs' Gaines on the Larkin place.
Q What kind of a house did you live in? A. I dont know.
Q Where did you get your water? A. In the creek.
Q In the Creek? A. I suppose it was.
Q Not certain are you? A. No sir; in the summer we got it out of the creek and in the winter they cut a little hole in the ice and got it out of the creek too.
Q How long did you stay there? A. I dont know, seemed like it was a long time.
Q As much as 6 months? A I dont know, it seemed a long time cause I didn't like it there.
Q What was your husband's name then? A. Harper.
Q Is that Will's father? A. Yes sir.
Q Who married you and Jordan Harper? A. Joe Shields.
Q Where were you married to him? A. In Chetopa Kansas.
Q Do you know what years A No sir.
Q How long had you been in this country when you married Harper? A I dont know.
Q About how many years were you living up here? A. I dont know.
Q About how many years after the war was it? A. I dont know.
Q You don't? A No sir.
Q What was your mother's name? A Mary Stover.
Q How long did you live with Harper? A. I dont know.
Q Where did you live with him? A. On Cabin creek.
Q Whose place? A. A little place of our own.
Q Where did he die? A. In Chetopa.
Q In whose house in Chetopa? A. I dont know whose house it was
Q How far was your place from Chetopa? A. About 15 miles.

Q How long did you live there on Cabin creek? A I dont know,until my children was born.
Q How many did you have born there? A. Seven.
Q Who were you neighbors? A Bill Booker, a woman named Summers and Mr. Barker.
Q When did you marry Middleton? A. I dont know.
Q Where did you merry him? A. In Vinita.
Q Who married you? A. Fred Martin.
Q The father of this Fred Martin around here and of Amy Bean? A. Yes sir.
Q Where were you married to Carter? A In the Choctaw Nation.
Q Who married you? A. A man named White.
Q And you say you come back with your owners family to the Cherokee Nation? A Yes sir.
Q And your owner was John Stover? A Yes sir.
Q He brought you back to what place? A. First to Red River and then he died and then we come on to Fort Gibson.
Q Then he didn't bring you back here? A. Part of the way until he died.
Q What year did he die? A. I dont know, dont know years now less they is told me.
Q What town in the Cherokee Nation did you first come to? A. Ft.Gibson I guess.
Q You guess?A Not much of a town then.
Q Have you ever been there since? A. Yes sir.
Q When? A The last time was when the soldiers was settled there.
Q What time of the year was it that you first come to Gibson? A. I dont know.
Q Who did you live with there? A. Eliza Gaines.
Q How long did you stay there? A I dont know.
Q Stay there a week? A. Must have staid there that long.
Q Was it longer or shorter than that? A. I dont know.
Q What is your best judgment about it? A, I dont know.
Q Was it a year? A. I dont know.
Q Was it inside of a year? A. I dont know.
Q Was it five years? A. I dont know.
Q Was it inside of five years? A. I dont know.
Q What is your best judgment about it? Tell me about how long you staid there? You would know the difference between staying there a week and five years wouldn't you? A. If I was there now I would know, but I dont know anything about when I was a child.
Q You dont know if it was a week or five years? A. No sir.
Q You dont know what sort of a house you lived in? A. No sir.
Q Was your mother living then? A. Yes sir.
Q She was? A. Yes sir.
Q Did you know anybody about Fort Gibson then? A. No sir I dont remember any of them.
Q Where did you got from Fort Gibson? A. Come up here near the line on the Larkins place.
Q How many years was that after the war? A. I dont know sir, something I dont know nothing about, it seemed like we was living around all the time until I settled down and married.
Q What kind of a field was it at the Larkins place? A. I dont know.
Q What kind of a house, a painted house or an unpainted house? A. I dont know.
Q You dont know if it was a log house, a brick house or a frame house? A I dont remember.
Q How long did you live there? A. I dont know.
Q Well about how long? A Until I married and moved off to myself.
Q You was a grown woman when you married? A. Yes sir.
Q You were married the last time in the Choctaw Nation? A. Yes sir.
Q Do you know Martha Bacon? A. Yes sir I know her, Mrs. Trott told me she was at South McAlister.
Q She was your young mistress? A Yes sir.

Q Did you know her in the Choctaw Nation? A. Yes sir.
Q Did you see her after the war? A. No sir not since we come back from Texas.
Q Near what town in the Choctaw Nation did you marry? A. Hartshorn.
Q What children have you born to you by your last husband? A. I haven't any.
Q Where is Charles Carter now? A. At home.
Q Where is that? A. On Snow creek.
Q How long have you been on Snow Creek? A 2 or 3 years, I guess going on 4 years now.
Q Have you got a place up there now? A. Yes sir.
Q You have lived there since the last payment? A. Yes sir.
Q Where did you come from to Snow Creek? A Vinita.
Q How long did you live in Vinita? A. About 20 years.
Q Continuously? A No sir but the biggest part of the time.
Q What sort of a house did you live in on Cabin creek? A. A little log house.
Q Did you make any sort of a crop there? A. Just what we could with a hoe.
Q Never had a team? A. No sir not then.
Q Jordan Harper never had a team? A No sir never was able to have one
Q How much was there in that patch? A Couple of acres.
Q Always tend it with a hoe did you? A. Yes sir, what time he lived he tended it and when he died I worked out.
Q What towns in Kansas did you work in? A. Chetopa.
Q Is that all? A. Yes sir.
Q You had seven children born to you by Jordan Harper? A. Yes sir.
Q Who did you sell that place to? A. No one.
Q Just vacated it? A. Yes sir, couldn't make a living there and left it
Q Did you stay there until those seven children were born? A. Yes sir
Q Was Welch Station there then? A. No sir.
Q What was your nearest town? A. Chetopa.
Q What direction were you from Chetopa? A North I guess.
Q When you would go to Chetopa would you go south? A. No we would go north I guess.
Q Was you north of Chetopa or was you south of it? A. We had to go up north to go to Chetopa, we lived on Cabin creek.
Q How far was the M. K. & T. Railroad from you? A. Wasn't there when we were there, never saw one.
Q Never saw a railroad around there when you lived there? A Yes sir.
Q Well how far was it from you? A. 15 miles, or 17 miles.
Q But you never saw it? A No sir, the first one that I ever saw was at Vinita.
Q Did you ever go to Chetopa when you lived on Cabin? A Yes sir.
Q That road doesn't run through Chetopa? A Yes sir.
Q Didn't you see it up there? A No sir.
Q What did you and your husband do for a living there on that place? A Just what we could, he would go to the States and work in the harvest field and I staid at home and cought fish and made meal in a mortar and hominy and such things.

(By Smith)

Q When you went out of the Nation during the war, how far south did you go? A. I dont know.
Q Where did you go to? A. Went to Texas.

(By the Commission)

Q What was your father's name? A. Edmond Vann they said, I never seed him.
Q What was your mother's name? A. Mary Stover.

(Hastings)

Q Where is the first time you ever saw Mose Riley on Cabin creek? How many years ago? A. I dont know.
Q How old are you? A I dont know my age I dont know except what Mrs. Damon told me.

Moses Riley called and sworn as a witness for the applicant:
(By Smith)
Q What is your name? A. Moses Riley.
Q How old are you? A. 51.
Q What is your post office address? A. Chelsea.
Q Do you know this applicant Liddy Carter? A. Yes sir.
Q How long have you known her? A. Ever since I was a small boy.
Q Where is she living now? A. Her place is on the other side of Cabin Creek.
Q How far from Chelsea? A 35 or 40 miles.
Q In the Cherokee Nation? A. Yes sir.
Q Did you know her before the war or not? A. I seed her in time of the war.
Q When did you see her then? A. I guess it was at Mrs. Stover's, I was a small fellow then, they taken me there and I knowed her mamma well and this was the girl that I got acquainted with there.
Q What was her mother's name? A. Mary.
Q When did you first see this applicant after the war? A. When they was coming from Fort Gibson.
Q Where did you see them when they were coming from Fort Gibson? A I was cutting corn for Col. Bell
(By Hastings)
Q Col. L. B. Bell, commonly called Hooley Bell? A Yes sir Col. Bell.
(By Smith)
Q It was Hooley Bell was it? A. Yes sir.
Q When was this? A. Right after the war, notlong after the war.
Q You dont know how long after? A. No sir.
Q Have you known this woman since that time? A. Yes sir.
Q When did you see her the next time? A. I saw her on the old place known as the Larkins' place- - now I guess it is he Larkins' place, the place known as the Old Larkins' place, right close to the line.
Q Who owns it now? A. I dont know.
Q Well go on? A I think they settled there on that place.
Q Who do you mean by "they" ? A This child's mamma and her children.
Q How long was that after you saw them when you was cutting corn for Col. Bell's ? A Perhaps two years,somewhere along near two years.
Q On which side of the line was that? A. South side of the line.
Q When did you see her next after that? A. It was at the same place, their brother hired me to build a house for them on the north side of Cabin creek
Q Near what point on Cabin creek? A One and a quarter miles of Bill Tucker's.
Q How far from Chelsea? A, I dont know.
Q Was it in the Cherokee Nation? A. Yes sir.
Q When did you next see her after that? A. Seed her here after that at Vinita.
Q Have you seen her here a few times or often since you saw her at Vinita? A Several times.
Q Do you know if Liddy is a relation of Eliza Gaines or not? A. She is her sister.
(By Hastings)
Q Where did Mrs. Stover live when you first sw this applicant? A I dont know exactly where it was, it was way over in there (pointing) some place.
Q How long had the war been going on then? A. I dont know.
Q Who do you mean when you said that you knew her mother Mary very well, you know that Mrs. Stover was named Mary and this woman Liddy's mother was named Mary? A. I mean Mary Stover, and we went to Jim Allen Thompson's place, the Stovers and the Thompsons had married. Liddy's mother was a Mary Stover and there there was a Mary Stover that was a Cherokee and owned them.
Q How far did James Allen Thompson live from Mrs. Stover? A I dont know, I was riding on behind my mistress on a horse and was a little

fellow, just big enough for her to have me put on behind her, and I was asleep most of the time as we was going along, and sometimes she had to tie me on to keep me from falling off and I dont know how we went or how far it was.
Q Well it was several miles wasn't it? A. I dont know.
Q Well it was long enough for you to go to sleep between places wasn't it? A I went to sleep.
Q Do you know what sort of a house Mrs. Stover lived in? A I dont know what sort it was, I dont know if it was pine or what, I know it had them a bright pieces running up and down the porch for I was climbing them and the old lady McNair or something like that come up and smaked my arms for it.
Q Was it a frame or log house? A I dont know anything about it except them things on the porch.
Q Were they posts? A. Yes sir.
Q Was that the time that you saw this woman here? A. Yes sir.
Q Was it in the timber or prairie? A There was some timber that we went through.
Q And you saw her mistress Mrs. Stover at the same time? A. Yes sir, that is what they called her.
Q She was there at the time? A. Yes sir, that was where we went that time.
Q And the first time that you ever saw her after the war was at Hooley Bell's place where they were cutting corn? A. Yes sir.
Q Did you have any talk with them then? A. Yes sir, I staid there right sort of a spell.
Q Did they say where they were from? A Fort Gibson.
Q Hooley was living there was he? A. I guess so.
Q They were cutting corn for him? A. They was cutting corn.
Q And he was living there, Hooley was? A. I went up there to the place to get my pony and he was there.
Q How many years after the war was that? A. Not long.
Q Do you know where this woman was married the first time? A No sir, she wasn't married at that time when I seed her that I know of, she had a boy with her or some kind of a child, I dont think she was married then.
Q What was its name? A. Will, I believe, I'm not sure.
Q Was Will old enough to talk then? A Might have been, he never talked none to me though, I never fooled with him.
Q It was this woman's child? A Yes sir.
Q Was you well acquainted with her first husband? A. No sir.
Q Did you ever get acquainted with her husband? A. Am acquainted with the one she has now.
Q What is his name? A. Carter.
Q Is that the only husband of hers that you became acquainted with? A I think one died.
Q You dont know where she married Carter? A. No sir.
Q How long has she lived where she is living now? A. I dont know.
Q How long have you known her up there? A. I have knowed where her place is five or six years.
Q You saw her there with one child when you saw her at Bell's? A Yes sir.
Q You know that she had one child then? A. Yes sir.
Q You are positive of that? A. Yes sir.

ELIZA GAINES, called and sworn as a witness for the applicants.
(By Smith)
Q What is your name? A. Eliza Gaines.
Q Do you know this applicant, Liddy Carter? A I know she is my sister
Q Is she older or younger than you? A. Younger, she was the baby.
Q Who was your mother? A. Mary Stover.
Q Who was your father? A. Edmond Vann, brother to Jim Vann.

Q Was Liddy a slave? A. Yes sir she was born a slave child.
Q Who owned her? A. John Stover.
Q Was he an Indian? A No sir.
Q Was his wife? A Yes sir.
Q Where was she when the war commenced? A. At the old place
Q Where was that, in the Cherokee Nation? A Yes sir, right where Mr. Hasting's mother is living now. Four miles from Mayesville.
Q Was this applicant taken out of the Cherokee Nation during the war? A Yes sir, went to Texas together.
Q What year did you come back? A. I dont know what years, I know my master brought us back.
Q Was this applicant with you? A. Yes sir.
Q Where did you first come back to? A. Fort Gibson.
Q In the Cherokee Nation? A. Yes sir, My master died in the Chickasaw Nation.
Q Who did you come the rest of the way with? A. I hired a man to bring us to Fort Gibson.
Q Who did he bring? A. Berry Thompson, and Mrs. Harris, and Liddy Carter and Jane Webb and my children that was born then.
Q Are these all of your family that he brought up? A Yes sir.
Q There was you and Jane Webb and Berry Thompson and Liddy Carter? A Yes sir, and Mrs. Harris.
Q Any more? A My mother and brother but they is dead.
Q Did your mother and brother and you four make up the family that came in that lot? A. Yes sir all come in the same lot.
Q When was it you got back to Fort Gibson? A. When the soldiers was there, in '65 they told me.
Q Are you the same Eliza Gaines that applied some time ago? A. Yes sir the same one.
Q What was your name before you married Gaines? A. Nash.
Q Was this sister of yours, Liddy Carter, was she or was she not, with you in that crowd when you come back to the Cherokee Nation, as described by you in your testimony in your own case? A She was with me and staid with me for some time after we got here.
Q How long did she stay with you after you got here? A Until she was a grown woman.
Q How long was that after you come? A I dont know, exactly how long. I can't read and dont keep no count of nothing like that.
(By W. W. Hastings)
Q How long did you stay in Fort Gibson? A. About a year.
Q What did you do there? A. I washed and ironed.
Q Who for? A. The soldiers.
Q Did you live in a house? A. No sir in a tent.
Q All the time? A. All the time, we had a tent like a house.
Q Who kept the store there? A. I cant tell you, I knowed it was an Indian but I dont know his name.
Q There was a store there? A. One store that we traded at.
Q Then you come up by Hooley Bell's place did you? A. Yes sir.
Q And then you went to the Larkins' place? A Yes sir.
Q And this woman was with you all that time? A. Yes sir.
Q What is her oldest child's name? A. Will, he is dead.
Q Where was he born? A. In the Choctaw Nation.
Q How old is this woman? A. I dont know.
Q How old was she when the war come up? A. I dont think she was as old as Dora then.
Q What Dora? A. Her young mistress, I dont know if it was Dora or Martha.
Q Was she a grown woman when the war come up? A. No sir, these negro girls get grown now when they is 15 or 16 years old.
Q Was she 15 or 16 years old then? A No sir.
Q Where was her youngest child born? A. I dont know.
Q Do you know where she married first? A. No sir.
Q Do you know where any of her children were born? A. Only Will.

Q Is that all? A Yes sir.
Q Do you know where she married Tobe Middleton? A At Vinita I guess.
Q Do you know where she married Tobe Middleton? A At Vinita I guess.
Q Did she ever live with Jordan Harper? A. Yes sir, that was on Cabin creek.
Q In the same house with you? A. No sir.
Q How far from you? A. Not very far, as far as that house over yonder (pointing)
Q How long did she live there? A. Year or two.
Q Where did she go from there? A. Went to Chetopa and hired out and worked.
Q When did her husband Harper die? A. I dont know.
Q When did she marry Charles Carter? A. I don't know.
Q Where is she living now? A. On Possum creek I believe it is.
Q How long has she lived up there? A. She got a place up there after she drawed her money.
Q Where did she get her money, at which paying precinct? A. I dont know
Q How long did she live in Vinita? A. I dont know.
(By Smith)
Q Where is Possum creek, in the Cherokee Nation? A. Yes sir.

By Commr Needles: Liddy Carter applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896; she is identified by the Kerr Clifton and Wallace rolls; she avers that her father was Edmond Vann and her mother was Mary Stover, and that she was a slave of the Stovers before the war; she avers that she was married three times, first to Jordan Harper, then to Tobe Middleton and then to Charles Carter her present husband. The applicant's attorney pray that the testimony taken in the case of her sister, Eliza Gaines on Cherokee Freedman doubtful card #230 be made a part of the record in the case at bar and it is ordered that a copy of same be filed herewith. Now the said Liddy Carter will be listed for enrollment as a Cherokee Freedman on a doubtful card and she will be notified by mail of the final decision of the Commission.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full and the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 26th of June, 1901 at Nowata, I. T.

(Signed) T. B. Needles
Commissioner.

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Q How old are you? A. I dont know exactly how old.
Q Now, about how old? A. I get it you can see it? (66)
Q What is your post office address? A. Bluejacket.
Q In what district do you live? A. Cooweescoowee
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other Nation or tribe? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A Yes sir.
Q Is your name on the roll of 1880? A. I dont know.
Q Who do you want to enroll besides yourself? A. Myself.
Q How many children? A They are there (Referring to paper)
Q Children all grown? A. Yes sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and applicants name not found thereon.

Q Did you draw what is known as the Strip money? A. Yes sir.

The Kern Clifton roll of citizens of the Cherokee Nation examined and applicant's name found thereon page 161, #3968, Eliza Gaines, Cooweescoowee District.

By Mr. Smith, of the firm of Smith & Melotte, Attorneys for applicant.

Q Were you a slave? A. Yes sir.
Q Who was your owner? A. John Stover.
Q Was he a Cherokee citizen? A. No sir, my Mistress was.
Q What was her name? A. Charlotte Stover.
Q Where were you during the war? A. With My Master.
Q Did you go out of the Nation? A. Yes sir.
Q When did you get back? A. '66.
Q Do you remember what time in '66? A I come back in the fall of '66 near Christmas.
Q Where did you come to, what part of the Cherokee Nation? A. I come to Gibson.
Q Where do you live now? A. I live at Timbered Hill now
Q Have you a place there? A. Yes sir.
Q Farm? A. Yes sir.
Q Are you on the Kern Clifton roll? A. I guess I am on it, you will have to look and see.

(By W. W. Hastings, Cherokee Representative)

Q Whom did you come back to the Cherokee Nation with? A. I come back with John Stover.
Q He brought you back? A. Yes sir, brought us to the Chickasaw Nation
Q Did he die in the Chickasaw Nation? A Yes sir.
Q He didn't come back here after the war? A. No sir, he died over there but we come back.
Q After he died then you come on up to the Cherokee Nation? A. Yes sir, I hired a wagon and come on up to Gibson.
Q Now, how many come along in that crowd? A There was not nobody but me and my sister, we hired a man to bring us.
Q What was your sister's name? A Jane Webb, and was Jane Brown at that time.
Q You hired a wagon did you? A. Yes sir.
Q Do you remember the man's name you hired? A. Mr. Brown, he was her husband.
Q How long did you stay at Fort Gibson? A. We staid there about, we come in the fall before Christmas, staid there until I got able to travel again.
Q About how long? A. I guess it was about nearly over six months, yes, we staid there and drawed rations.
Q Whom did you stay with at Gibson? A. We was in a tent.
Q Just you two and her husband? A. Yes sir, and the children.

Q What children sir you have at that time? A. I and Julia and Georgia and John Henry and Lizzie.
Q They were all along with you? A. Yes sir.
Q What did you work for at Fort Gibson? A. I washed for the soldiers.
Q And where did youge from Fort Gibson? A. I staid there about a year and come up about Mr. Bell's.
Q Mr. Hooley Bell? A Yes sir.
Q Where was he living at that time? A. I can't tell you, but it was somewheres where the old Fort had been and there was coffins there and anyway I know it was where he lived. I cut coffins for him.
Q For Hooley Bell? A. Yes sir.
Q How long did you stay with Hooley Bell? A. Staid there until along in the fall.
Q You staid there from the summer until the fall? A. Yes sir.
Q About six or eight months? A. Yes sir.
Q And the must have been the fall of 1897 when you staid up at Hooley Bell's? A I dont know.
Q Now, where did you go? A I went to Chetopa and staid there.
Q Chetopa, Kansas? A. Yes sir, right across the line.
Q You didn't go into the State of Kansas? A. No sir.
Q You only went up near Chetopa on the Cherokee side? A Yes sir, on what they call.
Q Now, when did you work for up there? A We was working for ourselves. a man hired us to go out and work on hisfarm, it was a man named Larkin
Q Now, how long did you work for Larkins? A We staid there a long time.
Q A number of years? A. Yes sir, until we moved down here.
Q Until you moved where you live now? A. Yes sir.
Q After you left Hooley Bell's place you went to Mr Larkins place? A Yes sir.
Q Are any of Mr. Larkins folks alive now? A. Not as I know of.
Q He had a family did he? A. Yes sir, he had four in his family, his wife and two children.
Q Was Mr. Larkins a citizen of the Cherokee Nation? A I dont know, He hired us to work.
Q Have you ever lived in Kansas since the war? A. No sir.
Q You never went up there at all? A. No sir, just go up there and come back.
Q You come back from near Chetopa to where you live now? A. Yes sir; I dont live there now, I live on Timber Hill near Bluejacket.
Q I mean you come from the Larkins place down to near Bluejacket? A Yes sir.
Q What direction is that, is it on the Cocweescoecwees side? A Yes sir
Q Towards the sunset from Bluejacket? A. Yes sir
Q Did your sister go with you all these round you were talking about? A She was with me pretty much all the time.
Q Did these children go with you? A. They was with me some and I had some hired out.
Q You staid about three or four years at the Larkins place? A Yes sir
Q Did you have any neighbors around there? A There was no neighbors but one family.
Q What was that family? A. John Shafer.
Q Did he live in the Cherokee Nation? A. Yes sir.
Q Now, about how far from Chetopa were you, about how many miles to the best of your knowledge? A I guess it was about three or four miles.
Q Down on the Cherokee side? A. Yes sir.
Q South of Chetopa? A. Yes sir.
Q Were you living there when the railroad come there? A. No sir, wasn't no railroad, living there long before the railroad was built.
Q You were living there when the railroad was built? A Yes,sir, there wasn't no houses when the railroad come through.
Q You were living at Larkins when the railroad come there? A Yes sir
Q Now, Aunty, how far from the railroad track,the M.K.&.T.were you living? A I dont know,we could not hear the train.
Q On the south of the track? A That was on this side of the track over

in Cherokee Nation.
(By Mr. Smith)
Q Who are your children? A. John Henry.
Q John Henry what? A. John Henry Nash, Julia Nash, Lizzie, Georgia Ann, [illegible] Etta, Berry, the other three is dead.
Q How many? A. Three is dead.
Q How many are alive now that your name? (No response)
Q You don't mean that any of those whose names you give are dead? A. [illegible]
Q Do they go by this name; are they still named Nash, or are they married? A. They are married.
Q What are the names of the girls? A Malinda Johnson and John Neal, he goed by his daddy's name, Georgia Jones, and Lizzie Martin and Carrie Harrison.
Q Are they here? A. There is Mary Mayberry.

CHARLEY CHAMBERS, called as a witness on the part of Applicant sworn and examined by Commissioner T. B. Needles testified as follows.

Q What is your name? A. Charley Chambers.
Q How old are you Mr. Chambers? A. 78.
Q What is your post office address? A. Hudson.
(By Mr. Smith)
Q Do you know Eliza Nash or Eliza Gaines? A Yes sir.
Q How long have you known her? A. Well, I have known her somewhere about in '68 -
Q Where did you know her? A. When I first known her she was at, my first [illegible] knowing her, I seen her at Fort Gibson.
Q You are a Freedman? A. Yes, sir.
Q Are you on the 1880 roll, or not? A. Yes sir.
Q Where were you during the war; did you go out of the Cherokee Nation A No sir; Yes sir; I went out of the Cherokee Nation, but I was in the Territory, the Cheetaws.
Q The Cheetaw Nation? A. Yes sir.
Q Do you remember when you come back to the Cherokee Nation? A. Yes sir.
Q When was it? A. I come back in '66 or 67, I come back in '65; this side of Fort Smith over there down in the bottom on this side of the river.
Q How long was it after you come back before you become acquainted with or see Eliza Nash, or Eliza Gaines? A Well I come back in, along, in the Summer and I come up from there and come up to Tahlequah where my old folks was living and it was that winter about the next, I mean the next year, the winter I was over to Fort Gibson and seen her there.
Q About what season of the year was it you got back? A. Along in the summer, Spring like.
Q Of 1865? A Yes sir.
Q And the following winter? A. No, it was the year we called there, that winter and the next winter, come in the same winter, that is right, the same winter.
Q Well, which was it, the following winter after you come back in the Summer? A Yes sir.
Q Do you know her children, know what their names are all of them or not? A. No sir; I dont know; I never seen any of the children then, I didn't know anybody but her and she was up there, up there drawing Government rations then when I seen her.
(By W. W. Hastings)
Q Did you see her there then the one time, Mr. Chambers? A. No sir, I seen her there as much as twice I know of; it was the first time I saw her there it was.
Q That was in the fall after you come back in the spring or summer ? A Yes sir; after I come up from Fort Smith, I come up then to see my old folks that raised me and while I was there I went on there to Fort Gibson and seen her there.
Q You are positive you saw her? A Yes sir, I am positive I saw her there.

Q Are you positive about the year you saw her? A. It is the same winter after I come there; you see I staid there all that summer down there to Fort Coffey Smith and along in the fall I come up here.
Q And that in the fall you saw her? A. Yes sir, that winter I seen her.
Q You know that? A. Yes sir, I know that to be fact.
Q You come here you say in the spring or summer of 1868? A Yes sir.
Q And say it was the next winter you saw her? A Yes sir, I staid that summer there at Fort Smith in the bottom, understand me right; I staid there that summer in the bottom and that winter I come up to see my old folks who raised me; well that fall I staid there all fall and that fall I went down to Gibson, riding about as usual and staid around there a little while and I seen her and I was always a pretty good hand to notice women.
Q And you noticed her among all that bunch? A Yes sir.
Q You remember seeing her? A. Yes sir.
Q Well when did you next see her? A. I seen her again a short time after that I saw her there in a store the next time I saw her.
Q Whose store? A. I cant call the man's name now; but anyhow it was the store George Sanders was working in; I guess you know don't you, dont you recall.
Q I was not there? A There at Fort Gibson.
Q When did you next see her? A. I never seen her from over there, I never seen her any more until I saw her up there where she is living now, at Timbered Hill.
Q How long was that after you saw her at Fort Gibson? A Four or five years.
Q You dont know where she had been in the mean time? A. No sir; but I dont think she had been anywhere but, I heard of her living up by William Tucker's.
Q You never did see her up there? A. No sir.
Q Have you ever been arrested? A Yes sir.
Q What for? A. For several things.
Q How many times? A Twice, three times, one time for selling bows and the next time for selling cedar posts.
Q What Court? A. Cherokee; arrested one time by the United States Court
Q What for? A. For shooting at a man.
Q What was done with you? A. Never done anything with me.
Q Did they try you? A. Yes sir, never done anything.
Q What did they do with you in the Cherokee Court? A. Nothing, turned me aloose and let me go home.
Q Never was convicted? A. No sir.
Q You dont remember seeing anybody but this woman in 1868? A Oh, I seen lots others.
Q I mean of her family? A. If I did I didn't know em.

JAMES ALBERTY, being sworn and examined by Commissioner T. M. Beddies, testified as follows:

Q What is your name? A. James Alberty.
Q What is your post office address? A. Chouteau.
Q How old are you, James? A. I am near 70 or older, I dont know.
Q Are you a citizen of the Cherokee Nation? A. Yes sir, I drawed money, votes.
Q Is your name on the roll of 1880? A No sir.

(By Mr. Smith)

Q Do you know Eliza Gaines? A. Yes sir.
Q Sometimes called Nash? A. I know her.
Q How long have you known her? A I dont know how long, I know her when she was with her old Master, I dont know how long that has been
Q Who was that? A. Mr. Stover.
Q Well, where were you during the war; did you go out of the Cherokee Nation? A Yes sir, south.
Q When did you return to the Cherokee Nation? A I returned in '66 before the treaty was made.
Q Did you know where Eliza Nash was at that time? A (No response)

Q When did you see Eliza Nash? A. When I came back.
Q When was the first time you saw her? A. At Gibson.
Q When? A '66
Q Can you state at what time it was? A. In the fall.
Q Did you know any of her family, any of her children? A No sir I could not tell anything about them.
Q Did you know her sister? A. U Yes sir.
Q What was her sister's name? A. Lydia was one and Jabe was was one and if I dont mistake Mary was one, that I recollect.
Q DO you remember seeing any of them? A. Yes sir.
Q Who did you see? A. Lydia that I noticed.
Q That you remember? A. Yes sir.
Q Do you know of your own personal knowledge whether they, or any of them went out of the Cherokee Nation, and if so, when they came back? A No sir I dont know.

(By W. W. Hastings)

Q Whom did you belong to when the war broke out? A. John Alberty.
Q John Alberty sold you out of here before the war? A. No sir, he didn't he sold Dave though.
Q You swear that you belonged to him at the time of the war? A. Yes sir, I never belonged to anyone else that I know of.
Q He never sold you out? A. No sir.
Q Where were you living when the war came up? A. Right at Pryor Creek right at the toll bridge.
Q Where was this woman living when the war came up? A. At Stover's.
Q How far was that from where you were living? A. I trained horses right there by Wilson's
Q Who did you train horses for? A Trained horses for Jim Kell.
Q And you knew Eliza before the war? A. Yes sir.
Q What were you doing at Fort Gibson when you saw her there? A Nothing just riding about getting drunk; that is all I did in them days; I had money and didn't work.
Q Was Eliza living at Fort Gibson when you saw her? A. She was there washing, I dont know where she was living.
Q How do you happen to remember seeing her? A. I stopped there where she was and talked with her.
Q Did you see her there just once? A. The next time I saw her, ask me.
Q Where did you see her next? A. On Cabin creek.
Q Where was that? A. I dont know which way it is from here.
Q How far from Vinita? A. Good ways.
Q Near whose place? A. Bill Tucker's
Q On Cabin creek? A. Yes sir.
Q When was that you saw her there? A I dont know, it may have been a year or maybe more.
Q She was living up there then? A. Yes sir, in the house not far from Mr. Tucker's
Q Where did you see her the next time? A. Where she lives now?
Q About how long was that after that? A. I dont know.
Q She moved from where she lived on Cabin creek to where she lives now? A. Yes sir.
Q West of Bluejacket? A. Yes sir, west of Bluejacket.
Q Jim, were you ever tried for anything by the Courts? A. No sir
Q Never was arrested? A. No sir, not by Courts, I was not
Q By Marshals? A No sir, I used to be a Marshal myself, I never was arrested for any crime or any kind, never was.

Com'r Needles- Eliza Gaines applies for he enrollment of herself as a Cherokee freedman. Her name is not found upon the authenticated roll of 1880 or any rolls now in the possession of this Commission except the Keen Clifton roll, and Her name is found thereon according to the page and number as indicated in the testimony. Her name will no be placed upon a doubtful card for

the further consideration by the Commission. The final decision of the Commission will be made known to the applicant at her post office address by due course of mail. If at any time she desires to introduce any additional testimony the same will be received.

* * * * * * * * *

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 10th day of May, 1901.

(Signed) C. H. Breckinridge
Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 7 1901

ACTING CHAIRMAN.

-7-

812

To be filed with the case of Rolt Harper C.F.D.# 718

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9th 1901.

In the matter of the application of Berry Thompson for the enrollment of himself and three children as Cherokee Freedmen; said Thompson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Berry Thompson.
Q How old are you, Mr. Thompson? A About 45.
Q What is your post office address? A. Bluejacket.
Q What district do you live in? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you desire to enroll besides yourself? A I got three children
Q What are the names of your children? A Oldest one is named Elmer Thompson.
Q How old is Elmer? A. 14.
Q The next one? A. Leo.
Q How old is Leo? A. 13.
Q The next one? A Morrison.
Q How old is Morrison? A. Ten.
Q Is that all? A. Yes Sir.
Q What is your wife's name? A. Bell Thompson.
Q Is she a citizen? A. No sir.
Q Is she the mother of these children? A. Yes sir.
Q What was her father's name? A. Holston.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Freedman? (No response)
Q Kinda half way? A Yes sir, just like the rest of them.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir
Q Is your name on the roll of 1880? A No sir.
Q Is it on the Mann Chifton roll? A Yes sir.
Q Were you married to Bell Thompson? A. Yes sir.
Q Have you any certificate of marriage? A. No sir.
Q Have you any proof of marriage? A. Yes sir.
Q Whom can you prove your marriage by? A. Her sisters.
Q Are they here? A. Yes sir.

JOHN NASH being sworn and examined by Commissioner T. N. Needles testified as follows:
Q What is your name? A. John Nash.
Q What is your age? A. 35.
QWhat is your post office address? A. Bluejacket.
Q Do you know Berry Thompson? A. Yes sir.
Q Do you know his wife, Bell? A Yes sir.
Q Do you know whether they were married or not? A. Yes sir they was married.
Q How do you know? A. Old man Bluejacket married them.
Q Did you see them married? A Yes sir.
Q Was Bluejacket a minister? A Yes sir, Uncle Charley Bluejacket.
Q Have they been living together as man and wife ever since their marriage? A.Yes sir.
Q Is Bell Thompson living now, his wife? A. Yes sir
Q Did they have any children? A. Yes three.
Q Born to them while they were living together as man and wife? A Yes sir.
Q What is the names of them do you recollect? A. Elmer.
Q Leo? A Leo and Morris.

BERRY THOMPSON, the applicant, re-called, testified as follows:
Examination by Mr. Smith, of the Firm of Smith & Mellette,
Attorneys for Applicant:

Q How old did did you say you were, Berry? A. 46.
Q Were you a slave? A. Yes sir.
Q Who was your owner? A. John Stover.
Q Are you related to Eliza Nash, or Eliza Gaines? A I am her brother.
Q Did you go out of the Nation, or were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q By whom were you taken out? A. My Master.
Q When did you return? A I come back when she did, '66
Q When who did? A. My sister, Eliza.
Q When your sister Eliza Gaines, returned? A. Yes sir.
Q Have you a farm? A. Yes sir,
Q Where is it? A. It is three miles west of Bluejacket.
Q How long have you had it? A. About 15 years.
Q You say you are on the Kern-clifton Roll? A Yes sir.
(By W. W. Hastings, Cherokee Representative)
Q Where were you married? A. I was married about three miles and a half from Bluejacket at the lower end of Timbered Hill.
Q You had heard the statement of your sister, Eliza and sister, Jane; did you go the rounds with them? A. Yes sir.
Q Did you ever live in Kansas? A. I worked up there.
Q Where? A. I worked at Chetopa some and Columbus.
Q How far is Columbus from Chetopa? A. About twenty miles.
Q How long did you work up there? A. I worked there off and on, cooked; I was up there three months I guess.
Q You were married in the Nation? A Yes sir.
Q Did you make your home with your sister before your marriage? A. I worked out a good deal of the time, worked at Vinita, some, I lived with my mother.
Q What was your mother's name? A. May Stover.
Q Did she come back from Texas with you? A. Yes sir.
Q Both your two sisters too? A. Yes sir.
Q Your mother was along too? A. Yes sir.
Q Is your mother alive? A. No sir.
Q Where did she die? A. She died up at Timbered Hill.
Q About how long ago? A. About 13 years.
Q You made your home with her until she died? A. Yes sir.
(By Smith)
Q Where was it your mother died? A. She died at Timbered Hill in the Cherokee Nation.
Q What was your mother's name? A. Mary Stover.
Q Do you know whether she was ever on the 1880 roll or not ? A. I dont know for sure whether she was or not.
Q How long has it been since she died? A. About 13 years.

The 1880 authenticated roll of Cherokee freedmen examined and applicant's name not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and the names of applicants found thereon as follows:

page 162 #4008 Berry Thompson, Cooweescoowee district.
page 162 #4009 Elmer Thompson, Cooweescoowee district.
page 162 #4010 Lee Thompson, Cooweescoowee district.
page 162 #4011 Morrison Thompson, Cooweescoowee district.

Con'r Needles.- Berry Thompson applies for the enrollment of himself and three children, to-wit: Elmer, Lee and Morrison. His name is not found upon the authenticated roll of 1880, nor the census roll of 1896. His name is found upon the Kern-Clifton pay roll. The names of his three children are also found upon said roll. He is duly identified according to the page and number of said roll and makes satisfactory proof as to residence. By agreement of the counsels

In this case, the [illegible] copy of Mina Haines, [illegible] and made a part of [illegible] upon and his three ch[illegible], as contemplated herein, will now be [illegible] upon a doubtful card for the further consideration of the Commission. When the decision of the Department is arrived at he will be notified by mail. If he desires at any time to introduce any further evidence in his case, the same will be received.

* * * * * * * * * * *

I, W. H. Beason, being first duly sworn, state that I am stenographer to the Commission to the Five Civilized Tribes, and correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) W. H. Beason

Subscribed and sworn to before me this 10th day of May 1901 .

(Signed) C. R. Breckinridge,

Commissioner.

* * * * * * * * * * *

I, Chas. von Wrisl, upon my oath state that the foregoing is a true copy of the original.

Chas von Wrisl

Subscribed and sworn to before me this [illegible] day of September, 1901.

Commissioner.

M D Green

VNP

File with case of Robert Harper, S.F.-D.#718.

Supl.C.I.-D.#220. _R_

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ELIZA GAINES as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

JOHNATHAN GORE being duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Johnathan Gore.
Q Where do you live? A I live near Bluejacket, in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A I have made that my home since '78; I have lived in the Nation longer than that, but that has been my home since '78
Q When you located at Bluejacket or near where Bluejacket is now, were you over that section of country very much? A Yes, sir, I was around there quite often.
Q Are you acquainted with Eliza Gaines? A Yes, sir, I know Mrs. Gaines and her people.
Q How long have you been acquainted with Eliza Gaines? A Well, I don't know, I can't recollect the first time I ever met her, but it was along in '85 or 6, I ain't positive as to dates.
Q Do you know what they call Timbered Hill out there northwest from where Bluejacket is? A Yes, sir.
Q Do you know where she livesnow? A I know where the old man lives, I suppose she lives with him, I never was right in the house, I have been right close to it.
Q Well, that section of country, were you through that section of country when you located at Bluejacket up to '81 or '2? A Yes, sir, I live near there and I was through the hill quite often, I had stock up there once.
Q When did these people settled up there to the best of your knowledge? A I can't tell you the exact time they settled there, it must have been '82 or '83; I never saw these people there in '79, '80 or '81, they might have come there in '82.
Q Well, were you over the country where they located there, where their improvements are? A Yes, sir.
Q Could they have had a place and you not knowns it? A There was no place where Mrs. Gaines lives now; that is none except the Cris Young place and he built his house in '81, and I assisted him in building it and was familiar with nearly everybody that lives on Timbered Hill at that time and there were no colored people living there.

MR. MELLETTE: When did you get acquainted with Eliza Gaines? A Well, sir, I can't state as to the time I got acquaintedwith her; I have seen her in town and the people said that was Mrs. Gaines, I can't give the exact date.
Q Now, you don't know whetheryou got acquainted with them when they first came up there about Bluejacket or not, do you? A I could not state positive when they came there at the exact time, I know there was none living there at the time I was putting, assisted Cris Young built his house and for quite a while afterwards.
Q You don't know anything about them being at Fort Gibson right after the war? A Nothing in the world about it.
Q And about them living down about Holley Bell's place? A No, nothing in the world about it.

Q And living up near Chetopa as at the Larkins place? A No, nothing about it.

GEORGE WALKER, being duly sworn testified as follows, on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A George Walker.
Q Where do you live, Mr. Walker? A Live on Cabin Creek.
Q What is your post office? A Henson.
Q Cherokee Nation? A Yes, sir.
Q How old are you? A I am 72.
Q How long have you lived in the Cherokee Nation, Mr. Walker?
A Well, I guess I have lived there all the time.
Q Well, how long have you livedup in the neighborhood where you now live, up in that section of country? A Well, I moved up there towards Chetopa there in the fall o. '66.
Q Been living in that locality since that time? A Yes, sir.
Q Do you know a man by the name of Larkins who at one time lived up near Chetopa, Kansas? A Yes, sir.
Q Where was he living when you first knew him, Mr. Walker? A Well, I don't recollect exactly but I thi nk I was living where I am living now/
Q Well, where was he living with reference to where you were living, Larkins? A He built him a house close to Chetopa there.
Q In the Cherokee Nation or State? A In the state.
Q Well, after you knew him living there, did he live on that place? A I could not tell you.
Q Well, did he afterwards live in the Cherokee Nation? A Well, I think he lived on Russell Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Now, when was that he moved on Russell creek with reference to the time the railroad came through that country? A I can't recollect.
Q Do you know what the place he lived on is known by now, what place? A I believe Holderman owns it now.
Q Has it ever been known as by any other name besides Larkins but it, besides Larkins and Holderman? A No, sir.
Q How far from the Boudinot ranch place? A About three miles.
Q And he lived there after the railroad came through? A Yes, sir.

MR. MELLETTE: Now, Mr. Walker, you say that Larkins built a house in or close to Chetopa? A Yes, sir.
Q How far across the line was it? A It is right i n the edge of town.
Q Then, there was his place in the Cherokee Nation? A I am a little bit too fast, I think a man by the name of Reed first built it and Larkin got it away from him.
Q How far is Chetopa from the Cherokee line? A It is about two miles and a half.
Q Where was Larkins place in the Cherokee Nation? A It was up Russell Creek about something near three miles.
Q Three miles from where he livednear Chetopa? A It is about four I guess.
Q He owned that place there all the time, Larkins place on Russell Creek? A No, he didn't stay there powerfully long.
Q Well, didn't he own the place I say? A I don't think he owned it, it was down in somebody else' name.
Q What? A He didn't own i t.
Q He was a nonoitizen? A Yes, sir.
Q How far did you live from Larkins' place? A About seven or eight miles, seven miles I guess.
Q Didn't he cultivate that place all the time he lived up there near Chetopa? A Yes, he cultivated it or had it done.

Q That is before he moved down on it? A I don't know about that, I can't recollect.
Q Russell creek is right close to Chetopa, isn't it? A About three miles and a half.
Q Now, the Holderman place you speak of as being the old place Larkins moved to, that is in the Cherokee Nation, isn't it?
A Yes, sir.

J. R. HURST, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. R. Hurst.
Q Where do you live, Mr. Hurst? A I live down at Claremore.
Q How old are you? A I am 46 years old.
Q Where were you raised? A I was raised, I was born up here at Chetopa Kansas, and principally raised right around there.
Q Well, you have been residing in the Territory practically and lived here the greater portion of your life? A Yes, sir, that was in the CherokeeNation then.
Q Where were you living when the war closed, Mr. Hurst; or near what place? A I was living, let's see, in '65 we lived on Neosho river right at the mouth of Russell creek.
Q Well, after the war did you become acquainted with a man by the name of Larkins? A Yes, sir.
Q How long did you know him, from the time shortly after the war, until the time of his death? A Why I knew him; I think the first time I ever met Mr. Larkins it was in '68.
Q Well, he was a United States citizen; I mean by that was he a Cherokee citizen or United states citizen? A He was a United States citizen.
Q Where was he when you met him, Mr. Hurst? A He was in Chetopa, Kansas.
Q After that time did you have any businesstransactions with Mr. Larkins? A I hired for him and worked two years.
Q Where did you work? A I worked right on the head of Elk Creek.
Q In the Cherokee Nation or where? A Cherokee Nation.
Q Whose place was it? A I think Boudinot claimed it; first it started in my name and afterwards I think Boudinot got it in his name.
Q Now, what year was that place started after you got acquainted with Larkins in '68? A Yes, sir.
Q How long did you stay with Larkins on the place?
A I stayed there about two years.
Q Where did you go when you left there? A I went to Texas.
Q Do you remember about what year you went to Texas? A It was about '70.
Q I will ask you whether or not after you left Mr. Larkins place, which had been run in your name part of the time, to go to Texas, was any colored people working for Larkins on that place?
A Not that I know of; I worked on the place all the time; I had it in my possession and tended cattle, had 640 head of cattle.
Q When, if you know, did any colored people come around that ranch there, or if any came, before you went to Texas?
A There wasn't any come at all before I went to Texas.
Q And you went in 1870? A Yes, sir.
Q Do you know who that place belongs to now or have you been up there in a good many years? A No, sir.
MR. MELLETT: I believe you said, Mr. Hurst, it was the old Boudinot place? A I don't know, I think Boudinot owns it, afterwards.
Q Any land in cultivation on it? A Yes, sir, afterwards.
Q I am not talking about afterwards, I mean while you were there?
A Oh, yes, we broke out about 160 acres while I was there.
Q Well, you stayed there just about a year? A About two years.
Q Were you confined closely about your work? A All the time, right there about the place, stayed right there.

Q How far is that from the Holderman place? A It must be about mile and a half or two miles, I don't know but what the Holderman place joins it now.
Q Did you keep track of everybody that was there in that country?
A Why, at that time I did.
Q How far did your range extend, how far did you know the people?
A Well, my range extended from Neosho river over to the head of Cabin creek.
Q You watched everybody that came in? A I knowed everybody, nearly everybody.
Q Have you ever been convicted of any crime?

Mr. Davenport: I object to that.

Commission: The objection will be noted, and answer the question.

Q Were you convicted? A Yes, sir.
Q Were you sent to the penitentiary? A Yes, sir.
Q Where from? A I was sent from Oswego, Kansas.
Q How long ago? A Let's see, it was in '74.
Q What charge? A Grand Larceny.
Q How long did you serve? A Five years.

Mr. Mellette: I ask that his testimony be stricken out?

Commission: The objection will be noted, and the testimony will be considered for what it is worth.

MR. DAVENPORT: Did you serve your time? A Yes, sir.
Q You were in charge of the ranch for Mr. Larkins? A Yes, sir.

GRANVILLE CRAIG, being duly sworn, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Granville Craig.
Q Where do you live, Mr. Craig? A Big Cabin.
Q What is your post office? A Bluejacket.
Q How old are you? A 50.
Q How long have you lived in the neighborhood of Bluejacket?
A Since '75.
Q How far do you live from Timbered Hill out west of Bluejacket?
A About a mile.
Q How long have you lived in that section? A All the time.
Q When you came down in that country in 1873 who was living in that country? A Nobody.
Q Do you know Eliza Gaines? A Yes sir.
Q How long have you known her? A Since '82.
Q When ewasshe when you first got acquainted with her? A Right there where she lives now.
Q Did they have improvements when you got acquainted with them, and what was the circumstance of your seeing them? A They was building a cabin there.
Q How far is that from where you live? A About three miles.
Q You had been living up in that country from '72 or '3 up until now? A Yes, sir.
Q What had you been doing there? A Farming and live stock.
Q And they lived in that neighborhood from the time you went in there until you saw them there building that cabin in 1882?
A No, sir.
Q You don't know where they came from? A No, sir.
Q Did you ever know a man by the name of Larkins that lived up there by Chetopa? A Yes, sir.
Q Where was he living when you got acquainted with him?
A In Chetopa, right at the edge of Chetopa.
Q Do you know where he had that ranch down there on Russell creek?
A I could not say what time he run the ranch there.
Q How far is that from this Timbered Hill where you live?
A That is some 12 or 14 miles.

Q Do you know whether he was handling that ranch after the M. K. & T. railroad came through or before A I think he was handling it at the time the railroad came through and some time afterwards.
Q You don't remember when he began? A No, sir.

MR. MELLETTE: Well, Mr. Craig, you spoke of knowing Eliza Gaines living at the place she is living now? A Yes, sir.
Q she located there in '82? A Yes, sir.
Q And lived there continuously since that time? A Yes, sir.
Q That is in the Cherokee Nation? A Yes, sir.
Q You don't know where she lived before that? A No, sir.

MR. DAVENPORT: Do you know any of her family, to show i t was the same Eliza Gaines; do you know any of their children? A Yes, sir, I know some of them, I know John Nash and Ed and used to know two or three girls that worked around there over the country

C. C. YOUNG, being duly sworn, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A C. C. Young.
Q Where do you live, Mr. Young? A Two miles west of Bluejacket.
Q How old are you? A 50 years old.
Q How long have you lived in that neighborhood, Mr. Young? A Since '81.
Q How far do you live from what is known as Timbered Hill northwest of Bluejacket, or west of Bluejacket? A I live about a quarter of a mile northeast if the main timbered Hill.
Q How long have you lived there at that place? A Settled there in '81.
Q When you built there were there any colored people living near where you built? A Yes, sir.
Q Do you know Eliza Gaines? A Yes, sir.
Q Do you know any of her family? A Yes, sir.
Q What were their names? A I know John, Eliza, Malinda.
Q What does John go by? A Name of John Nash.
Q Now, when did they come into that country and establish any improvements? A The first I knoew of them they come there in '82; I seen them go over there in the Spri ng of '82 in an ox team and in the fall of '82 they put up a small cabin.
Q In the fall you say they come from what direction were they coming? A They was coming a little southeast.
Q And they came back in the fall and located that year? A Yes, sir.
Q How far did they locate from where you had your place, Mr. Young? A About a mile west.
Q They have been living there since that time? A Yes, sir.

MR. MELLETTE: You don't know where they lived before that? A Well, some of them said they lived over in the Jenkins settlement.
Q Where is that? A That is west of Timbered Hill.
Q That is in the Cherokee Nation is it? A Yes, sir.

J. W. CLARK, being duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Clark.
Q Where do you live, Mr. Clark? A I live in the Territory here, you may call my home here in Vinita.
Q Your wife stays here doesn't she? A Yes, sir.
Q How old are you? A I am 58 years old.
Q Were you living in the Cherokee Nation at the close of the war, Judge? A Yes, sir, lived here all my life.
Q What place were you living? A When the war closed?
Q Yes. A I was soldi er at Fort Gibson, mustered out there last May, '65.
Q Well, after you were mustered out where did you go? A I lived on Grand river in the vicinity of where I am living ow.

Q Well, did you afterwards have anything to do in later years as what is known as the Hooley Bell place? A Hooley Bell place now, but wasn't then; I lived about seven or eight miles then, it was known as the Joe Martin place then, that is the Hooley Bell place Q Well, were you on that place or had anything to do with it the year after the war? A Yes, sir, I had a bunch of cattle there from August to September.
Q What year? A '66.
Q Was any land in cultivation? A No, sir, the rails had all been burned by the soldiers and people passing and before the house was built there, there wasn't nothing there but a stockade built there during the war, there was a right smart of trouble around there and built a Fort there.
Q Was there any cultivated land there in '67? A There was not any, Captain Bell movedback on the place in the fall of '67.

L. B. BELL, being duly sworn, testified as follows on part of Cherokee Nation:
MR. DAVENPORT:
Witness: L. B. Bell; 62; Vinita.
Q Where were you living at the close of the war, Mr. Bell?
A My family was in Russ County, Texas, I reckon I was living there.
Q When did you come back to the Cherokee Nation? A. I come back here in 1867.
Q Well, when did you move to the place which is known as the Joe Martin place, just after the war; what is now known as Hooley Bell place? A Well, I moved up to that Joe Martin place at the crossing of the Military road on Cabin Creek, in Tahlequah district; I think I moved into the house in November 1867, I built the house there.
Q That the place they had a kind of a Fort there at the time of the war? A Yes, sir, there was a stockade there.
Q Had you any improvements made on that place in 1866? A No, I will tell you, I moved here in 1867 and made a crop about eight or ten miles down below that place on the same side of Grand river, and on Grand river, and I built my house there, or commencedit in September or October and finished it in November and moved in it in November; there was no house there, there was no field there, the old field, the plowed ground that had been before that, but there was no fence around it.
Q Do you know Eliza Gaines? A No, sir.
Q Do you know whether or not she and her family cut any corn for you since the war? A Well, along about 1869 is when I raised a crop there, I guess she come, there was some negros there that belonged to old John Stober, stopped and cut the corn.
Q Do you know from what direction they came when they came up there; did you have any conversation as to where they came from?
A No, sir, I wasn't at home and my wife hired them to do the corn cutting and I got there about the time that got through; that is my understanding is they was right up from Fort Gibson, moving home, but I don't have any distinct recollection of having had any conversation with them directly about where they had come from, or as to whether they had just come into the country or not.
Q It was the first corn crop you had cut on the place? A Well, I told you I didn't have any field there;in 1867 I made a little patch, in '68 probably three or four acres and didn't have anything like a field until '69, it was in '68, is my recollection when they cut that corn; that is when I had the corn cut, and I understood it was these Stover negroes that done the cutting.
MR. MELLETTE: Now, Col. Bell, Eliza Gaines belonged to John Stover, a Cherokee, at the beginning of the war, didn't she?
A I said a while ago I didn't know Eliza Gaines. I lived in the neighborhood and John Stover he had a lot of slaves and I understood from them that they was John Stover's slaves and I so took it, and believe it was.

Q Well, now, when you saw Eliza Gaines after the war? A I don't know that I ever saw Eliza Gaines after the war.
Q Well, now, Col. Bell, you made an application for Herbefore the Wallace Court? A I guess I did.
Q When John W. Wallace was making a roll of Cherokee Freedmen, and you made an affidavit-

Mr. Davenport: I object to it unless he is going to introduce the affidavit.

Mr. Mellette: I am going to introduce the affidavit.

Q When did you say you saw them? A In '68 I don't remember that I had any corn before that.
Q I will ask you if you didn't make this affidavit before John W. Wallace, U. S. Commissioner, who was makeing a roll of the Freedmen? Now I will read you your affidavit: "In the matter of the claim of Eliza Gaines: L. B. Bell, being sworn, states that to the best of his recollection she was a slave and belonged to one John Stover, who lived in Delaware District for many years near (two miles) of where he lived in the Cherokee, and that he has had said Eliza Gaines in his employ in about the year 1867 or 1868. I am a citizen of the Cherokee Nation have been such all my life. (Signed) L. B. Bell.

Note: L. B. Bell is a member of the Cherokee National Council/

Subscribed and sworn to before me this September 11th, 1389.
John W. Wallace, Commissioner."

A The only employment I recollect of giving her, that is the woman who claims to be that woman was to cut this corn.
Q Now, Col. Bell, this is a certified copy of your affidavit from the Secretary of the Interior and wasn't your recollection better then of the matter than it is now? A I don't know. Well, my recollection is no better then than it is now about the crop raising to a certainty, as I said a while ago it could not have been earlier than 1868 I cut the corn and I never lived on the place until 1868.
Q You stated here in this affidavit it was about '67 or '68, you don't put it as early as '67 now? A It could not have been '67, I don't have any recollection of employing her, if she is the woman I employed, in any other capacity except cutting that corn, and I don't think they stayed there only a few days.
Q Did you know Nancy Dameron, she was a witness for Eliza Gaines before Mr. Wallace at the same time you were? A Yes, sir.
Q was she a Cherokee Indian? A Yes, sir, she was John Stover's daughter.
Q Is she dead or alive? A She is dead I think she resided in this town here.
Q I have here a statement of Eliza Gaines made before John W. Wallace? U. S. Commissioner, on the 11th day of September, 1389, stating that she was a slave of John Stover, a Cherokee Indian, at the begin ing of the war, that she left the Cherokee Nation during the war, and that she returned to the Cherokee Nation in 1866; also giving the names of her children, I want to introduce a certified copy from the Secretary of the Interior.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the statement of Eliza Gaines before the Wallace Court for the reason that it is incompetent and immaterial; she, Eliza Gaines, being alive and having testified in her original application in this case.

Mr. Mellette: I ask now to introduce the affidavit of Nancy Dameron, who is dead, which affidavit is as follows:

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the affidavit for the reason that it is an ex parte statement of the witness and not a proceeding in Court taken after due notice to all parties

interested, and because of the further fact that it is incompetent and immaterial, and there are living witnesses by whom the same facts can be established--Mrs. Dameron's sister and others are now living, who know the same facts that Mr. Dameron knew and one of whom is now in the town of Vinita for the purpose of giving evidence in cases to-day.

Commission: The objection will be noted, and affidavit will be filed and considered for what it is worth.

Mr. Maledatis: Now, the Attorney for the applicant files the affidavit of Nancy Dameron, which is certified to as correct by the Commissioner of Indian Affairs.

Commission: This testimony will be made part of the record in the following Freedmen cases. D.#221, D.#221, D.#222, D.#223, D.#224, D.#225, D.#226, D.#227, D.#228, D.#229, D.#230, #D.307, D.#247, D.#322, D.#231, D.#232, D.#716, and also in the case of Eliza Gaines, D.#220.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 19th, 1901.

Commissioner.

DEPARTMENT OF
MISSION TO

FILED
OCT 21 1901

ACTING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Eliza Gaines et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Eliza Gaines	Cherokee Freedman D 220
Jane Webb	Cherokee Freedman D 221
Mary Mabry et al	Cherokee Freedman D 222
Berry Thompson et al	Cherokee Freedman D 223
Julia Nash	Cherokee Freedman D 224
Georgia Jones et al	Cherokee Freedman D 225
John H. Nash et al	Cherokee Freedmen D 226
Malinda Johnson et al	Cherokee Freedmen D 227
Eliza Grooms et al	Cherokee Freedman D 228
Berry Nash	Cherokee Freedman D 229
Edward Nash	Cherokee Freedmen D 230
Carrie Harris et al	Cherokee Freedmen D 231
Ella Humes	Cherokee Freedman D 232
Aaron Martin	Cherokee Freedmen D 233
Michael Martin	Cherokee Freedmen D 234
George Martin et al	Cherokee Freedmen D 235
Joshua Martin	Cherokee Freedmen D 236
Edward Brown et al	Cherokee Freedmen D 237
Israel Martin et al	Cherokee Freedmen D 238
Nellie Brown et al	Cherokee Freedmen D 239
Harriett Tucker et al	Cherokee Freedmen D 716
Lydia Carter	Cherokee Freedmen D 717
Allie McElroy et al	Cherokee Freedmen D 718
Robert Harper	Cherokee Freedmen D 719
Jordan Harper	

D E C I S I O N.

The record herein shows that applications were made to this Commission for enrollment, as Cherokee Freedmen, by Eliza Gaines, for herself; by Jane Webb for herself; by Eliza Gaines for her daughter, Mary Mabry; that, subsequent to the date of the original application, a birth affidavit which is made a part of the record herein, was filed with the Commission, showing the birth of Frank Mabry; by Berry Thompson, for himself and minor children, Elmer, Lee and Morrison Thompson; by Julia Nash, for herself; by Georgia Jones, for herself and minor children, John H., Allen, Charlie, Susie, Walter, Roxie, McKinley and Centralia Jones; by John H. Nash, for himself and minor children, Allie, Jesse M., Olli and Lucy Nash; by Malinda Johnson, for herself and minor children, Lottie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben and Lewis Johnson; that, subsequent to the date of the original application, birth affidavits, which are made a part of the record herein, were

filed with the Commission showing the birth of George and Julia Johnson; by Eliza Grooms for herself and minor children, Martha, Dona, Peter W., Henretta and Ennis Grooms; by Berry Nash for himself; by Edward Nash for himself; by Carrie Harris, for herself; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Delilah Harris; by Ella Hunes, for herself; by Aaron Martin, for himself and others (said other parties being differently classified and not embraced in this decision); by Michael Martin, for himself; by George Martin, for himself, his wife, Alice, and minor children, Martha, Clifton, Ethel and Jane Martin; by Joshua Martin, for himself; by Edward Brown, for himself and minor children, Henry and Stella Brown, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Laura Brown; by Israel Martin, for himself, his wife, Lizzie, and minor children, Maggie, Louis, Laura and Lottie Martin; by Nellie Brown for herself and minor children, Doris, Moses, Jennie, William and Michael Brown; by Harriet Tucker for herself and minor children, Clem Martin, Lena Brumbeau, Henrietta Bean, George Tucker and Floyd Tucker; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Sarah J. Tucker; by Laura Carter for herself; by Allie Holroy, for herself and minor child, Ettie Taylor; by Robert Harper, for himself; and by Jordan Harper, for himself.

The evidence shows that Eliza Gaines, Jane Webb, Berry Thrasher, Lydia Carter, Aaron Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones are the principal applicants herein; and that all the other applicants in these several cases have been born since 1866, and, with the exception of Ella Hunes and Alice Martin, are descendants of some of said principal applicants and claim right to enrollment through them; that all of said principal applicants were slaves of Cherokee citizens at the commencement of the rebellion and left the Cherokee Nation during said rebellion, but returned thereto in 1865.

The evidence further shows that Ella Hunes is the daughter of Rosa Mango, sister of Eliza Gaines, one of said principal applicants, and claims right to enrollment through her; that the said Rosa Mango was the slave of a Cherokee citizen at the commencement of the rebellion, and was residing in the Cherokee Nation on July 19,1866.

The said Alice Martin was duly identified on the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

All of the applicants herein have resided in the Cherokee Nation since 1865, or from date of birth where born since the year 1866, up to and including the date of the application herein, except-ing occasional trips of a temporary nature outside of the territory; that all of said applicants were residents in said Cherokee Nation on June 28,1898.

It appears, from affidavits, made a part of the record herein, that the applicant, George Johnson, died in October, 1900, and that the applicant, Eliza Grooms, died in October, 1901; and that the applicant, Ennis Grooms, died in August, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902,(32 Stats.,716),provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall

be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that Eliza Gaines, Jane Webb, Mary Embry, Frank Embry, Perry Thompson, Elmer Thompson, Lee Thompson, Morrison Thompson, Julia Nash, Georgia Jones, John H. Jones, Allan Jones, Charlie Jones, Lucie Jones, Walter Jones, Dennie Jones, McKinley Jones, Centralia Jones, John H. Nash, Allie Nash, Jesse H. Nash, Ollie Nash, Lucy Nash, Malinda Johnson, Lottie Johnson, Lizzie Johnson, Nellie Johnson, Eva Johnson, Annie Johnson, Peter McKinley Johnson, Reuben Johnson, Lewis Johnson, Julia Johnson, Martha Grooms, Rena Grooms, Peter W. Grooms, Lauretha Grooms, Perry Nash, Edward Nash, Carrie Martin, [illegible] Martin, Alice Martin, Martha Martin, Clifton Martin, Ethel Martin, Jane Martin, Joshua Martin, Edward Brown, Henry Brown, Stella Brown, Laura Brown, Israel Martin, Lizzie Martin, Harvie Martin, Louis Martin, Laura Martin, Lottie Martin, Nellie Brown, Jesse Brown, Jesse Brown, Jennie Brown, William Brown, Michael Brown, Barrett Tucker, Clem Martin, Emma Bean, Henrietta Bean, George Tucker, Floyd Tucker, Sarah [illegible]. Tucker, Lydia Carter, Allie McElroy, Etta Taylor, Robert Harper and Jordan Harper should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 493), and it is so ordered; and it is further ordered by this Commission that the applications for the enrollment of George Johnson, Eliza Grooms and Annis Grooms, as Cherokee Freedmen, be, and the same are, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby, Chairman.

(signed) T. B. Needles, Commissioner.

(signed) _____ Commissioner.

(signed) W. E. Stanley, Commissioner.

Muskogee, Indian Territory,

this Sept 3-1903.

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Robert Harper,
Coffeyville, Kans.,
Cherokee-F-D-718,
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee F. D-820
et al.

Muskogee, Indian Territory, September 9, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 5, 1903, granting the applications for the enrollment of Eliza Gaines, Jane Webb, Mary and Frank Mabry, Henry, Elmer, Leo and Morrison Thompson, Julia Nash, Georgia, John H., Ellen, Charlie, Susie, Walter, Roxie, McKinley and Centralia Jones, John H., Allie, Jessie M., Ollie and Lucy Nash, Malinda, Lettie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben, Lewis and Julia Johnson, Martha, Dona, Peter W. and Leuretha Grooms, Berry and Edward Nash, Carrie and Delilah Harris, Ella Humes, Aaron, Michael, George, Alice, Martha, Clifton, Ethel, Jane and Joshua Martin, Edward, Henry, Stella and Laura Brown, Israel, Lizzie, Maggie, Louis, Laura and Lottie Martin, Mellie, Roxie, Moses, Jennie, William and Michael Brown, Harriet Tucker, Clem Martin, Emma and Henrietta Bean, George, Floyd and Sarah M.

Tucker, Lydia Carter, Allie McKinzy, Etta Taylor and Hebert and Jordan Harper as Cherokee freedmen, and dismissing the applications for the enrollment of George Johnson and Eliza and Minnie Greene as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Encl: D-6

COPY.

Cherokee Freedman
D 220, et al.

Muskogee, Indian Territory, September 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Eliza Gaines, et al., including the Commission's decision, dated September 5th, 1903, granting the applications for the enrollment of Eliza Gaines, Jane Webb, Mary Aubry, Frank Aubry, Berry Thompson, Elmer Thompson, Lee Thompson, Morrison Thompson, Julia Nash, Georgia Jones, John H. Jones, Ellen Jones, Charlie Jones, Susie Jones, Walter Jones, Rosie Jones, McKinley Jones, Centralia Jones, John H. Nash, Allie Nash, Jesse M. Nash, Ollie Nash, Lucy Nash, Malinda Johnson, Lottie Johnson, Minnie Johnson, Belle Johnson, Eva Johnson, Annie Johnson, Peter McKinley Johnson, Reuben Johnson, Lewis Johnson, Julia Johnson, Martha Grooms, Dona Grooms, Peter W. Grooms, Leuretha Grooms, Berry Nash, Edward Nash, Carrie Harris, Delilah Harris, Ella Hughes, Aaron Martin, Michael Martin, George Martin, Alice Martin, Martha Martin, Clifton Martin, Ethel Martin, Jane Martin, Joshua Martin, Edward Brown, Henry Brown, Stella Brown, Laura Brown, Israel Martin, Lizzie Martin, Maggie Martin, Louis Martin, Laura Martin, Lottie Martin, Nellie Brown, Rosie Brown, Moses Brown, Jennie Brown, William Brown,

Secretary of the Interior, No. 2.

Michael Brown, Harriett Tucker, Clem Martin, Emma Dean, Henrietta Dean, George Tucker, Lloyd Tucker, Sarah L. Tucker, Lydia Carter, Allie McElroy, Etta Taylor, Robert Harper and Jordon Harper as Cherokee Freedmen, and dismissing the applications for the enrollment of George Johnson, Eliza Grooms and Ennis Grooms.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. MADDLES,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. 3-98.

1207

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-718.

Muskogee, Indian Territory, September 30, 1903

Robert Harper,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated September 5, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
Enc. D-94

Refer in reply to the following:
LAND
63877-1903

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to enclose herewith report from the Commission to the Five Civilized Tribes, dated September 3, 1903, transmitting the record relative to the application of Eliza Gaines and others for enrollment as Cherokee freedmen.

Eliza Gaines applied for the enrollment of herself. Jane Webb applied for the enrollment of herself. Eliza Gaines applied for the enrollment of her daughter, Mary Mabry and subsequently she applied for the enrollment of Frank Mabry, child of Mary Mabry, which child is properly identified by birth affidavit.

Berry Thompson applied for the enrollment of himself and his children, Elmer, Leo and Morrison Thompson.

Julia Nash applied for the enrollment of herself.

Georgia Jones applied for the enrollment of herself and her children, John H., Ellen, Charlie, Susie, Walter, Roxie, McKinley and Centralia Jones.

John Nash applied for the enrollment of himself and his minor children Allie, Jesse H., Ollie and Lucy Nash.

Malinda Johnson applied for the enrollment of herself and minor children, Lottie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben and Lewis Johnson, and subsequent to the date of her original application she applied for the enrollment of George and Julia

Johnson, her infant children who were born after the date of her original application. These minor children are properly identified by birth affidavits.

Eliza Grooms applied for the enrollment of herself and her children, Martha, Dona, Peter, Leuretha and Ennis Grooms.

Berry Nash applied for the enrollment of himself, as well as did Edward Walsh and Carrie Harris. Carrie Harris subsequently applied for the enrollment of her minor child, Delilah Harris, who is properly identified by birth affidavit.

Ella Humes applied for the enrollment of herself, as also did Aaron Martin. Aaron Martin also applied for the enrollment of other parties, but the Commission in its decision says they are differently classed and are not therefore included in the decision.

Michael Martin applied for the enrollment of himself.

George Martin applied for the enrollment of his wife, Alice Martin and their minor children, Martha, Clifton, Ethel and Jane Martin.

Joshua Martin applied for the enrollment of himself.

Edward Brown applied for the enrollment of himself and his minor children, Henry and Stella Brown, and he subsequently applied for the enrollment of Laura Brown, his minor child born after the date of his original application. This minor is properly identified by birth affidavit.

Israel Martin applied for the enrollment of himself, his wife, Lizzie Martin and their children, Maggie, Louis, Laura and Lottie Martin.

Nellie Brown applied for the enrollment of herself and minor children Roxie, Moses, Jennie, William and Michael Brown.

Harriet Tucket applied for the enrollment of herself and minor children, Clem Martin, Emma Bean, Henrietta Bean, George and Floyd Tucker; subsequent to the date of her application she also applied for the enrollment of Sarah M. Tucker, a child born after the date of her original application, who, the Commission says is properly identified by birth affidavit and made a part of the record; the office has been unable to find the birth affidavit referred to and it is presumed that the Commission neglected to file it with the record in the case.

Lydia Carter applied for the enrollment of herself and Allie McElroy applied for the enrollment of herself and minor child Etta Taylor McElroy.

Robert Harper applied for the enrollment of himself.

Jordan Harper applied for the enrollment of himself.

September 5, 1903 the Commission held that all of the applicants above named except George Johnson, who died in January 1902, Eliza Grooms, who died in October 1901 and Ennis Grooms, who died in August 1902 were entitled to enrollment as Cherokee freedmen.

As to the parties last mentioned, their applications were dismissed by the Commission.

Eliza Gaines, Jane Webb, Berry Thompson, Lydia Carter, Adam Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones appear to be the principal applicants in this case. All of the other

applicants were born since 1866 and are descendants of some of the principal applicants, except Ella Humes and Alice Martin.

All of the principal applicants, the record shows were slaves of citizens of the Cherokee Nation at the commencement of the rebellion; that they left the nation during the rebellion, but returned prior to the time limit fixed by the treaty of 1866; in fact, the record shows they returned during the year 1866.

Ella Humes is a daughter of Rosa M. Sango, who was a sister of Eliza Gaines. Rosa M. Sango, deceased, belonged at the commencement of the rebellion to Nancy Dameron, a citizen of the Cherokee Nation, and Alice Martin, wife of George Martin, the record shows is duly identified by the 1860 roll as "an adopted colored citizen."

Eliza Gaines belonged to John Stover and his wife, Charlotte Stover at the commencement of the late civil war. John Stover was not a citizen of the Cherokee Nation, but his wife was.

Jane Webb, Berry Thompson and Lydia Carter also belonged to Charlotte Stover.

Aaron Martin belonged to John Martin, a citizen of the Cherokee Nation.

Israel Martin is a son of Eliza Gaines. Julia Nash and Georgia Jones are her daughters. John Nash is her son.

Malinda Jones, Eliza Grooms, Berry Nash, Edward Nash and Carrie Nash are also her children.

Michael and George Martin are sons of Aaron Martin, as is also Joshua Martin.

Edward Brown is a son of Jane Webb, and Mellie Brown (nee

Martin) and Harriet Tucker are daughters of Aaron Martin.

Alice Martin, the wife of George Martin appears to be the daughter of Cesse Alberty and his wife, Jane Alberty. Her father was drowned in the Spring of 1876 and her mother died in 1878 or 1879. However, as above stated, she is identified by the 1880 Cherokee roll as "an adopted colored person."

The Cherokee Nation protests against the Commission's decision. From the record in this case it appears that the decision is correct and the office therefore recommends that it be approved and that all of the applicants be declared entitled to enrollment as Cherokee freedmen except George Johnson, Eliza Grooms and Ennis Grooms, who died before September 1, 1902.

Attention is invited to the Commission's statement concerning the birth affidavit relative to the identification of Sarah M. Tucker. The office has been unable to find this among the papers, but it is believed that the Commission's statement that such affidavit has been filed with it is sufficient to warrent the Department in holding that she is entitled to enrollment unless there be some good reason not known to this office why she should not be enrolled.

Very respectfully,

GAW/LM

(Signed) A. C. Tonner.

5 enclosures.

Acting Commissioner.

D C 10862-1904. COPY.

ITD 833-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. WHR.

April 4, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 29, 1904, the Acting Commissioner of Indian Affairs submitted the consolidated case involving the applications of Eliza Caines and others for enrollment as Cherokee freedmen, and recommended that your decision in favor of the applicants, except George Johnson, Eliza Grooms and Ennis Grooms, whose applications were rejected, be concurred in.

The names of the persons held to be entitled to enrollment are given in your decision and in the letter of the Acting Commissioner, except in his letter there appears several errors. John Nash on page 1 should be John H. Nash; Edward Walsh on page 2 should be Edward Nash; Peter Grooms on the same page should be Peter W. Grooms and Etta Taylor McElroy on page 3 should be Etta Taylor.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-718.

Muskogee, Indian Territory, April 18, 1904.

Robert Harper,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated September 8, 1903, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-220, et al.

Muskogee, Indian Territory, April 18, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 8, 1903, in the consolidated case of Eliza Gaines et al., granting the applications for the enrollment of Eliza Gaines, Jane Webb, Mary and Frank Mabry, Berry, Elmer, Lee and Harrison Thompson, Julia Nash, Georgia, John H., Ellen, Charlie, Susie, Walter, Roxie, McKinley and Centralia James, John H., Allie, Jesse H., Ollie and Lucy Nash, Malinda, Lottie, Lizzie, Nellie, Eva, Annie, Peter McKinley, Reuben, Lewis and Julia Johnson, Martha, Dena, Peter W. and Lewretha Greene, Berry and Edward Nash, Carrie and Delilah Harris, Ella Humes, Aaron, Michael, George, Alice, Martha, Clifton, Ethel, Jane and Joshua Martin, Edward, Henry, Stella and Laura Brown, Israel, Lizzie, Maggie, Lewis, Laura and Lottie Martin, Nellie, Roxie, Moses, Jennie, William and Michael Brown, Harriett, George, Floyd and Sarah M. Tucker, Glen Martin, Emma and Henrietta Beam, Lydia Carter, Allie McElroy, Etta Taylor, and Robert and Jordon Harper, as Cherokee freedmen, and dismissing the applications

for the enrollment of George Johnson and Eliza and Annie Greene as Cherokee freedmen, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233 ---------- Mary Harris, et al.,
F-1234 ---------- Joseph Curry,
F-1235 ---------- Estella Martin, et al.,
F-1236 ---------- Harrison Curry,
F-1281 ---------- Eliza Gaines,
F-1282 ---------- Jane Webb,
F-1283 ---------- Mary Mabry, et al.,
F-1284 ---------- Berry Thompson, et al.,
F-1285 ---------- Julia Nash,
F-1286 ---------- Georgia Jones, et al.,
F-1287 ---------- John H. Nash, et al.,
F-1288 ---------- Malinda Johnson, et al.,
F-1289 ---------- Martha Greene, et al.,
F-1290 ---------- Berry Nash,
F-1291 ---------- Edward Nash,
F-1292 ---------- Carrie Harris, et al.,
F-1293 ---------- Ella Rumes,
F-1294 ---------- Michael Martin,
F-1296 ---------- George Martin, et al.,
F-1297 ---------- Joshua Martin,
F-1298 ---------- Edward Brown, et al.,
F-1299 ---------- Israel Martin, et al.,
F-1300 ---------- Nellie Brown, et al.,
F-1301 ---------- Harriett Tucker, et al.,
F-1302 ---------- Lydia Carter,
F-1303 ---------- Allie McElroy, et al.,

-2-

P-1394 ---------- Robert Harper,
P-1415 ---------- Mary Robinson, et al.,
P-1416 ---------- Hamilton West, et al.,
P-1418 ---------- George West, et al.,
P-1414 ---------- Callie West,
P-1417 ---------- Callie West,
P-1494 ---------- Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

LS

Chief Clerk.

Muskogee, Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rheta Harris,
3443	Joseph Curry,
3444	Estella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Ray Martin,
3448	Myrrh E. Martin,
3449	Harrison Curry,
3530	Eliza Gaines,
3531	Jane Webb,
3532	Mary Mabry,
3533	Frank Mabry,
3534	Berry Thompson,
3535	Elmer Thompson,
3536	Lee Thompson,
3537	Harrison Thompson,
3538	Julia Nash,
3539	Georgia Jones,
3540	John H. Jones,

Roll No.	Name.
3541	Miles Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lettie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Greene,
3564	Dona Greene,
3565	Peter W. Greene,
3566	Louretha Greene,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Humes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3584	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Bexie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Glen Martin,
3599	Emma Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3605	Allie McElroy,
3606	Etta Taylor,
34607	Robert Harper,
3280	Mary Robbins,
3281	Dollie Rogers,
3282	Sherman Jones,
3866	Houston West,
3867	Ida West,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callie West,
3877	Callie West,
4079	Henry West,
4080	Callie West, Jr.,
4081	Garfield West,
4082	[illegible]
4083	Carrie West,
4084	Ella West,
4085	Katie West,
4086	Walter West,
4087	Sadie West

Roll No.	Name.
4086	Martha West.
4087	Vinita West.

Respectfully,

L.S.

Commissioner.

Muskogee, Indian Territory, November 23,1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed by the attorney for the Cherokee Nation, June 25, 1906, to review and reject the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated case of Elias Gaines et al. There are also enclosed an answer and a supplemental brief filed September 7, 1906, by attorneys for applicants, and the reply of the Cherokee Nation to said supplemental brief, filed September 26, 1906.

The decision of the Department in the above entitled cases dated September 8, 1903, dismissing the applications for the enrollment of George Johnson, Elias Greene and Annis Greene, and granting the applications for the enrollment as Cherokee freedmen of the other applicants embraced in the Cherokee freedmen consolidated case of

Miles Gaines et al, was affirmed by the Department April 4, 1904 (I.T.D. 836-1904). The names of all of the applicants in whose favor the decision was rendered, except the name of Jordan Harper, are included in a schedule of Cherokee freedmen approved by the Department November 16, 1904, opposite Numbers 3830 to 3907, inclusive. July 27, 1904, there was filed with the Commission to the five Civilized Tribes an affidavit showing the death of Jordan Harper on December 24, 1901, but supplemental proceedings had in reference to the date of his death tend to show that he died December 24, 1902. August 15, 1906, the Commissioner to the Five Civilized Tribes rendered his opinion holding that Aaron Martin, opposite Roll No. 3872, died prior to September 1, 1902, and the record of proceedings had in the case, together with the Commissioner's opinion, was forwarded to the Department on the same date, with the recommendation that the name of Aaron Martin be stricken from the roll of Cherokee freedmen.

The Attorney for the Cherokee Nation insists that as the principal applicants in this case were denied Cherokee freedman citizenship by the Cherokee commission on citizenship, on September 25, 1888, they are not entitled

to enrollment as citizens of the Cherokee Nation, in accordance with the Department's ruling in the Harry Still and John Morgan Cherokee freedman cases.

The proceedings had before said commission on citizenship were made a part of the record in the case prior to the rendition of a decision therein. None of the applicants embraced in the case, except Alice Martin, Roll No. 3578, can be identified on the 1880 authenticated roll of citizens of the Cherokee Nation, and except her children, Martha, Clifton, Ethel and Jane Martin, Roll Numbers 3576 to 3579, inclusive, none of the applicants are descendants of persons whose names appear upon said roll.

The principal applicants claim that they were slaves of John Stover, a Cherokee by blood, at the breaking out of the war of the rebellion; that they left the Cherokee Nation during the progress of said war and that they returned to the Nation in the fall of 1866. They introduced on their behalf, the testimony of Charley Chambers and James Alberty.

Charley Chambers testified that he saw Eliza Gaines, the principal applicant, once or twice after the war, and that he first saw her at Fort Gibson, Indian

Territory, in the winter of 1865, which is prior to the time the principal applicants themselves claim that they returned to the Cherokee Nation.

James Alberty testified that he was the slave of a Cherokee citizen at the breaking out of the war of the rebellion, but the Commission to the Five Civilized Tribes, May 18, 1905, decided that he was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion, and the Commission's decision was concurred in by the Indian Office June 21, 1905, (Land 38933-1905) and affirmed by the Department August 5, 1905(I.T.D. 7676-1905). Testimony taken in various Cherokee freedmen cases in which James Alberty (commonly known as "Sheep Jim"), has testified, shows him to be entirely unworthy of belief. The following answer given by James Alberty to the question following, does not add any credit to his testimony. (Page 5 of original testimony in case of Eliza Gaines taken May 9, 1901):

> "Q. What were you doing at Fort Gibson when you saw her (Eliza Gaines) there?
> A. Nothing, just riding about getting drunk; that is all I done in them days; I had money and didn't work."

Secretary-5

The testimony introduced on behalf of the Cherokee Nation was for the purpose of impeaching the testimony of the principal applicants.

In an approved opinion of the Assistant Attorney General of October 5, 1905 (I T.D. 7658-1904), it was held that a judgment of the Cherokee Court-

> "is to be considered by the Commission as evidence of great cogency, to be followed unless it appear that fraud was practiced upon the court, or that the evidence then before the court, and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong."

The ruling here laid down was followed by the Department March 8, 1906 (I.T.D. 10716-1906), in the case of John Morgan, et al., on September 7, 1906 (I.T.D. 15372-1906), in the case of Amos Adair, and also in other cases.

In view of the unsatisfactory condition of the record, and of the Department's ruling in the Still case and others, which ruling is at variance with the view previously taken by the Department in similar cases, it is respectfully recommended that the Nation's motion as to all the applicants in whose favor the decision was rendered, except Alice Martin, Roll No. 3575, identified

Secretary-2

on the roll of 1880, and her children, Maydee, Clifton, Ethel and James Martin, Roll Nos. 3674 to 3678, inclusive, be granted.

Prior to the filing of this motion to review applications for the selection of allotments of land in the Cherokee Nation for all of the applicants whose enrollment upon the partial roll of Cherokee freedmen had been approved by the Department, were made to the Commission to the Five Civilized Tribes, and allotment certificates, describing the land selected, mailed to the applicants. No deeds describing the land selected have been prepared.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. B-40

Commissioner

COPY

Land
106428-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 28, 1906, enclosing a motion filed by the attorney for the Cherokee Nation on June 28, 1906, "to review and reject" the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated case of Eliza Gaines, et al., together with an answer and supplemental brief filed September 7, 1906, by the attorneys for the applicants and a reply of the attorney for the Cherokee Nation to the supplemental brief filed with the Commissioner on September 26, 1906.

The decision of the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of George Johnson, Eliza Gaines, and Annas Gaines, and granting the applications for enrollment as Cherokee freedmen of the other applicants embraced in the Cherokee freedmen consolidated case of Eliza Gaines, et al., was rendered on September 5, 1903, and was affirmed by the Department on April 4, 1904 (I.T.D. 836-1904). The names of all the applicants in whose favor the decision was rendered, except the name of Jordan Harper, was included in the schedule of Cherokee

Freedmen approved by the Department September 16, 1904, opposite Nos. 3530 to 3607, inclusive, the name of Jordan Harper not being included for the reason that an affidavit was filed with the Commissioner on July 27, 1904, showing that he had died on September 24, 1901. Subsequent proceedings, however, with reference to his death tend to show that the date of his death was December 24, 1902. Aaron Martin, whose name appeared opposite No. 3572, died prior to September 1, 1902, and his name was subsequently stricken from the roll of Cherokee freedmen.

The motion and argument of the attorney for the Cherokee Nation insists that as the principal applicant in this case was denied Cherokee freedmen citizenship by the Cherokee Commission on Citizenship on September 23, 1852, that they are not entitled to enrollment as citizens of the Cherokee Nation, following the Department's ruling in the Harry Still and John Morgan Cherokee freedmen cases. The proceedings had before the Cherokee Commission were made a part of the record in this case prior to the rendition of a decision therein. It is shown that none of the applicants embraced in this case, except Alice Martin, roll No. 3575, can be identified on the 1880 authenticated roll of citizens of the Cherokee Nation, and except here children, Martha, Clifton, Ethel and Jane Martin, roll Nos. 3576 to 3579, inclusive, none of the applicants are descendants of persons whose names appear upon said roll.

The principal applicants claim that they were slaves of

John Glover, a Cherokee citizen, by blood, at the breaking out of the Civil War; that they left the the Cherokee Nation during the progress of the war and returned in the fall of 1866. The applicants introduced in their behalf the testimony of Charley Chambers and James Alberty. The testimony of the witnesses and of the applicants themselves is at variance, the testimony of Charley H. Chambers locating Eliza Gaines at Fort Gibson, I.T., in the winter of 1865, while her own testimony shows that she returned in the fall of 1866. The testimony of James Alberty is contradicted by the records of the Commission to the Five Civilized Tribes, he testifying that he was a slave of a Cherokee citizen at the breaking out of the War of the Rebellion, while the Commission has decided in his case that he was not a slave of a Cherokee citizen, nor a free colored person residing in the Cherokee Nation at the commencement of the Civil War. It appears that James Alberty has appeared as as witness in Cherokee freedmen cases numerous times, and that his evidence taken at different hearingsis so contradictory as to show him to be entirely unworthy of belief.

It appears from the record in this case that these persons were admitted to citizenship by decision of the Commission to the Five Civilized Tribes on September 5, 1903, and that an appeal was taken therein by the attorney for the Cherokee Nation and the Commission's decision was affirmed by the Department on April 4, 1904; that all of the applicants have heretofore selected their allotments and designated their homesteads. It is shown that

some and perhaps all of the adults have disposed of their surplus lands. Copies of the deed of Lizzie Johnson to the Local Investment Company of Vinita, I. T., the deed of Eliza Gaines to the same company, and two deeds from Ella Haines and her husband to the same company are exhibits in the argument filed by the attorneys for the applicants.

It is unfortunate in a case of this kind that the matter should have been delayed until a greater part of the allotments have passed out of the hands of the applicants and into the hands of third parties. The Commissioner, in view of the unsatisfactory condition of the record, recommends that the motion filed on behalf of the Nation as to all the applicants in whose favor the decision was rendered, except as to Alice Martin, roll No. 3575, and identified upon the roll of 1880, and her children, Martha, Clifton, Ethel, and Jane Martin, roll Nos. 3576 to 3579, inclusive, be granted. The Office concurs in the recommendation of the Commissioner to the Five Civilized Tribes that the motion, in so far as it requires the case to be re-opened, except as to Alice Martin, roll No. 3575, and Martha, Clifton, Ethel, and Jane Martin, roll Nos. 3576 to 3579, inclusive, be granted, and that the record be remanded to the Commissioner to the Five Civilized Tribes for re-adjudication.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EMS-W

JWP

DEPARTMENT OF THE INTERIOR, LRB

WASHINGTON.

I.T.D. 1548-1907.
R.C. 8705-1907.

February 12, 1907.

L R S

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On January 28, 1907 (Land 109488-1906), the Indian Office transmitted your report dated November 26, 1906, in the matter of a motion filed by the Cherokee Nation to review and reject the applications for the enrollment of those applicants embraced in the consolidated Cherokee freedman cases of Eliza Haines et al.

You recommend that the nation's motion as to all the applicants in whose favor the decision was rendered, except Alice Martin, whose name appears upon the roll of 1880, and her children, Martha, Clifton, Ethel, and James Martin, be granted, in view of the ruling of the Department in the Navy Still case.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

Your attention is called to that portion of section 2 of the act of April 26, 1906 (34 Stat., 137), providing for the closing of the rolls on or before March 4, 1907.

It being apparent that a rehearing could not be had in the

short time remaining for the closing of the rolls, said motion must be denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

SIGNED Thos. Ryan,

First Assistant Secretary

1 inclosure.

Carbon copy and
9 inc. to Ind. Of.

Chickasaw 7.
[illegible]

COPY

Muskogee, Indian Territory, March 7, 1899.

Robert Harper,
Collinsville, Kansas.

Dear Sir:

You are hereby advised that a notice, filed by the Cherokee Nation, June 28, 1898, to review and reject the applications for the enrollment of yourself and others as Cherokee freedmen, was denied by the Secretary of the Interior, February 28, 1899.

Respectfully,

[illegible]
Commissioner.

JMM

[redacted]

[redacted], March 9, 1918.

[redacted]

[redacted]

[redacted]

[redacted]

Muskogee, Indian Territory, March 15, 1897.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that the action filed to review the following Cherokee freedmen enrollment cases was denied by the Secretary of the Interior February 19, 1897:

Ellen Colbert	Cherokee freedmen 1281
Jane Webb	Cherokee freedmen 1282
Mary and Frank Mary	Cherokee freedmen 1283
Betty Thompson, et al.	Cherokee freedmen 1284
Phillis Hall	Cherokee freedmen 1285
Georgia Jones, et al.	Cherokee freedmen 1286
John W. Watt, et al.	Cherokee freedmen 1287
Wilhite Williams, et al.	Cherokee freedmen 1288
Martha Grimes, et al.	Cherokee freedmen 1289
Betty Hall	Cherokee freedmen 1290
Edward Hall	Cherokee freedmen 1291
Curtis and Delilah Purple	Cherokee freedmen 1292
Ella Young	Cherokee freedmen 1293
Aaron Martin	Cherokee freedmen 1294
Vincent Martin	Cherokee freedmen 1295
George Martin, et al.	Cherokee freedmen 1296
Phillis Martin	Cherokee freedmen 1297
Edward Brown, et al.	Cherokee freedmen 1298

Lemuel Martin, et al.	Cherokee freedman 1299
Nellie Brown, et al.	Cherokee freedman 1300
Harriett Tucker, et al.	Cherokee freedman 1302
Lydia Carter	Cherokee freedman 1303
Allie McKivey and Beth Ziegler	Cherokee freedman 1303
Robert Harper	Cherokee freedman 1304
Jordan Harper	Cherokee freedman 1305

Respectfully,

[redacted]

Commissioner.

Cherokee 1 1906.

Muskogee, Indian Territory, June 8, 1907.

Robert Harper,

Coffeyville, Kansas.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of your application for enrollment as a Cherokee freedman was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl.W-23.
S.W.

Acting Commissioner.

Cherokee
3 Land 44 GR.

Muskogee, Indian Territory, June 8, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are advised that your motion to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application for the enrollment of Elias Gaines, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Enck.W-84.
E.M.

Acting Commissioner.

D.C.[illegible]-1907. GAW

DEPARTMENT OF THE INTERIOR,

I.T. 47948-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

May 20, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

On May 17, 1907, the Department denied motion to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application of Eliza Haines, et al, for enrollment as Cherokee freedmen. You are requested to advise the interested parties of the action taken.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

GAW-GM.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Robert Harper,

Coffeyville, Kansas.

MUSKOGEE, IND. TER.

Cher Fr 1305

APR 4 190

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 12, 1901.

In the matter of the application of Jordan Harper for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Jordan Harper.
Q How old are you? A 22.
Q What is your postoffice? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee freedman? A Yes sir.
Q You want to enroll anybody besides yourself? A No sir.
Q What is your father's name? A Jordon Harper.
Q What is your mother's name? A Lydia Carter.
Q Your father is not living? A No sir.
Q Where were you born? A On Cabin Creek.
Q That is the first you can remember? A Yes sir.
Q Are you married? A No sir.
Q Never been married? A No sir.
Q Is your name on the authenticated roll of 1880 A No sir.

Exam-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows; page 162 #4001 Jordan Harper, Coowescoowee District; 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon; 1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q You say you have always lived in the Cherokee Nation? A Yes sir.
Q And Lydia is your mother? A Yes sir.

Com'r Needles: The applicant applies for himself; his name cannot be found upon the authenticated roll of 1880 or 1896 the census roll of 1896; but he is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; he avers that he has always lived in the Cherokee Nation, and was born there; he avers that he is a child of Lydia Carter, who was duly listed for enrollment as a Cherokee Freedman on D card 716, and the testimony taken in case of the application of said Lydia Carter will be made a part of the record in the case at bar, and a copy thereof will be filed herewith; and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and he will be notified by mail of the action of the Commission in his case, when same is arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this June 12, 1901.

Commissioner.

B. F.B. 721

COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUN 12 1901
FILED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 12 1901

Date.....

Post Office Tuttle, Ind. Ter.

District ..... 4 .....

1. Name Susan Harlan Age 22

Citizenship.....

Owner's name .....

Year 1896 Page 162 No. 4091 District Cans

Parents:

Father Jordan Harlan - dead Citizenship .....

Mother Lydia Carter - living Citizenship .....

2. Name of wife ..... Age .....

Citizenship .....

Owner's name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Self Stenographer W. D. Reese

XRef 2,716

Muskogee Land Office

To be filed with the case of Jordan Harper C.F.D. #721

Mellette & Smith for the applicant.
W. W. Hastings for the Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 13th 1901.

In the matter of the application of Lydia Carter for the enrollment of herself as Cherokee freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Liddy Carter.
Q How old are you? A. About 48.
Q What is your post office address? A. Coffeyville, Kansas.
Q What district do you live in? A. Coowescoowee.
Q In the Cherokee Nation? A. Yes sir.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. My children
Q How many? A. Five.
Q Are you married? A Yes sir.
Q What is your husband's name? A. Charles Carter.
Q Is he a citizen? A. No sir.
Q Give me the names of your children? A. I have no children under age
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A. I ought to be on some of them.

Applicant's name not found on the roll of 1880.
Kern-Clifton roll examined and the name of applicant found as follows:page 163 No.3998,Lividy Carder (or Middleton) Coowee-scoowee dist.
Wallace roll examined and applicant found as follows:
page 150 #2715,Lydia Middleton,Coowescoowee district.

Q How did your name happen to be Middleton? A. I was married to him.
Q What is your husband's first name? A. Tobe.
Q Are you separated from him? A. Yes sir.
Q What is your second husband's name? A. Charles Carter, is my present husband's name.
Q You were married twice? A. Yes sir three times.
Q What was your first husband's name? A. Jordan Harper.
Q Is he living? A. No sir.
Q Who was your second husband? A. Tobe Middleton.
Q And your present husband is named what? A. Charles Carter.
Q Is Charles Carter living? A. Yes sir.
Q He is a state man? A. Yes sir.
Q When were you married to Charles Carter? A. 7 years ago.
Q The first time that your name was ever Carter was seven years ago?
A Yes sir.

(By Smith)

Q Were you a born slave? A. Yes sir.
Q Who did you belong to? A. John Stover.
Q What was John Stover's wife's name? A. Charlotta.
Q Were they citizens of the Cherokee Nation? A. Yes sir.
Q Were they Cherokee Indians? A I don't know if both of them was or not.
Q Was either of them? A. I guess they was.
Q Recognized citizens of the Cherokee Nation? A. Yes sir.
Q How old are you now? A. I don't exactly know, 48 or 9.
Q Where were you living when the war commenced? A On Baties' Prairie
Q Where is Baties' Prairie? A At the old home place.
Q Where was that, in the Cherokee Nation? A. Yes sir.
Q Have you any brothers and sisters? A. Yes sir.
Q Name them? A. Berry Thompson a half brother of mine,and Eliza Gaines

to my full sister. Angeline Stover is my full sister here, and my brother that got killed.
Q What was Rose's name? A. Rose.
Q Rose what? A. Stover.
Q Did she ever marry? A. I don't know about that.
Q Did you go out of the Cherokee Nation during the war? A. Our master carried us out and brought us back.
Q When did he bring you back? A. In '65.
Q Who with? A. With his family, I dont know who all, all of them.
Q Who do you mean by them? A. His children and their children.
Q Did his children come back with you? A. Yes sir.
Q With reference to your family, state which ones your were brought back with? A. Eliza Gaines, Jane Webb, Berry Thompson and my mother.
Q Where have you lived since you were brought back? A When we first come back I stopped with my sister Eliza Gaines in Chetopa, I was small
Q Is she older than you or younger? A Older.
Q Where do you live now? A. On Snow Creek.
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived there? A Since this K. P. Roll, about 4 years I guess.
Q How long have you been married to Carter? A. Bout 7 years in December
Q Have you and Eliza Gaines the same father and mother? A. Yes sir.
Q You said Berry Thompson was your half brother, did you have the same mother? A. Yes sir.

(By W. W. Hastings)

Q What is your oldest child's name? A. Willie.
Q The next one? A. Jimmie.
Q Is Jimmie dead? A. Yes sir.
Q How old is Willie? A. I dont know.
Q About how old? A. I dont know his age.
Q Is Will married? A. No sir.
Q Living with you? A. No sir.
Q Is he grown ? A Yes sir.
Q About how long after the war was he born? A. I dont know how long after the war.
Q As much as ten years? A. He was born on B Cabin creek.
Q Near what place on Cabin creek? A. At Mrs' Gains on the Larkin place.
Q What kind of a house did you live in? A I dont know.
Q Where did you get your water? A. In the creek.
Q In the Creek? A. I suppose it was.
Q Not certain are you? A. No sir; in the summer we got it out of the creek and in the winter they cut a little hole in the ice and got it out of the creek too.
Q How long did you stay there? A. I dont know, seemed like it was a long time.
Q As much as 6 months? A I dont know, it seemed a long time cause I didn't like it there.
Q What was your husband's name then? A. Harper.
Q Is that Will's father? A. Yes sir.
Q Who married you and Jordan Harper? A. Joe Shields.
Q Where were you married to him? A. In Chetopa Kansas.
Q Do you know what year? A No sir.
Q How long had you been in this country when you married Harper? A I dont know.
Q About how many years were you living up here? A. I dont know.
Q About how many years after the war was it? A. I dont know.
Q You dont? A No sir.
Q What was your mother's name? A Mary Stover.
Q How long did you live with Harper? A. I dont know.
Q Where did you live with him? A. On Cabin creek.
Q Whose place? A. A little place of our own.
Q Where did he die? A. In Chetopa.
Q In whose house in Chetopa? A. I dont know whose house it was
Q How far was your place from Chetopa? A. About 12 miles.

Q How long did you live there on Cabin creek? A I dont know,until my children was born.
Q How many did you have born there? A. Seven.
Q Who were you neighbors? A Bill Tucker, a woman named Summers and Mr. Parker.
Q When did you marry Middleton? A. I dont know.
Q Where did you marry him? A. In Vinita.
Q Who married you? A. Fred Martin.
Q The father of this Fred Martin should have one of my Deeds? A. Yes sir.
Q Where were you married to Foster? A In the Choctaw Nation.
Q Who married you? A. A man named White.
Q And you say you came back with your people Sunday to the Cherokee Nation? A Yes sir.
Q And your owner was John Glover? A. Yes sir.
Q He brought you back to what place? A. First to Red River and then he died and then we come on to Fort Gibson.
Q Then he didn't bring you back here? A. Part of the way until he died.
Q What year did he die? A. I dont know, dont know years now less they is told me.
Q What town in the Cherokee Nation did you first come to? A. Ft.Gibson I guess.
Q You guess? A. Not much of a town then.
Q Have you ever been there since? A. Yes sir.
Q When? A The last time was when the soldiers was settled there.
Q What time of the year was it that you first come to Gibson? A. I dont Know.
Q Who did you live with there? A. Eliza Gaines.
Q How long did you stay there? A I dont know.
Q Stay there a week? A. Must have staid there that long.
Q Was it longer or shorter than that? A. I dont know.
Q What is your best judgment about it? A. I dont know.
Q Was it a year? A. I dont know.
Q Was it inside of a year? A. I dont know.
Q Was it five years? A. I dont know.
Q Was it inside of five years? A. I dont know.
Q What is your best judgment about it? Tell me about how long you staid there? You would know the difference between staying there a week and five years wouldn't you? A. If I was there now I would know, but I dont know anything about when I was a child.
Q You dont know if it was a week or five years? A. No sir.
Q You dont know what sort of a house you lived in? A. No sir.
Q Was your mother living then? A. Yes sir.
Q She was? A. Yes sir.
Q Did you know anybody about Fort Gibson then? A. No sir I dont remember any of them.
Q Where did you go from Fort Gibson? A. Come up here near the line on the Larkins place.
Q How many years was that after the war? A. I dont know sir, something I dont know nothing about, it seemed like we was living around all the time until I settled down and married.
Q What kind of a field was it at the Larkins place? A. I dont know.
Q What kind of a house, a painted house or an unpainted house? A. I dont know.
Q You dont know if it was a log house, a brick house or a frame house? A I dont remember.
Q How long did you live there? A. I dont know.
Q Well about how a long? A Until I married and moved off to myself.
Q You was a grown woman when you married? A. Yes sir.
Q You were married the last time in the Choctaw Nation? A. Yes sir.
Q Do you know Martha Bacon? A. Yes sir I know her, Mrs. Trott told me she was at South McAlister.
Q She was your young mistress? A Yes sir.

Q Did you know her in the Choctaw Nation? A. Yes sir.
Q Did you see her after the war? A. No sir not since we come back from Texas.
Q Near what town in the Choctaw Nation did you marry? A. Hartshorn.
Q What children have you born to you by your last husband? A. I haven't any.
Q Where is Charles Carter now? A. At home.
Q Where is that? A. On Snow creek.
Q How long have you been on Snow Creek? A 2 or 3 years, I guess going on 4 years now.
Q Have you got a place up there now? A. Yes sir.
Q You have lived there since the last payment? A. Yes sir.
Q Where did you come from to Snow creek? A Vinita.
Q How long did you live in Vinita? A. About 20 years.
Q Continuously? A No sir but the biggest part of the time.
Q What sort of a house did you live in on Cabin creek? A. A little log house.
Q Did you make any sort of a crop there? A. Just what we could with a hoe.
Q Never had a team? A. No sir not then.
Q Jordan Harper never had a team? A No sir never was able to have one
Q How much was there in that patch? A Couple of acres.
Q Always tend it with a hoe did you? A. Yes sir, what time he lived he tended it and when he died I worked out.
Q What towns in Kansas did you work in? A. Chetopa.
Q Is that all? A. Yes sir.
Q You had seven children born to you by Jordan Harper? A. Yes sir.
Q Who did you sell that place to? A. No one.
Q Just vacated it? A. Yes sir, couldn't make a living there and left it
Q Did you stay there until these seven children were born? A. Yes sir
Q Was Welch Station there then? A. No sir.
Q What was your nearest town? A. Chetopa.
Q What direction were you from Chetopa? A North I guess.
Q When you would go to Chetopa would you go south? A. No we would go north I guess.
Q Was you north of Chetopa or was you south of it? A. We had to go up north to go to Chetopa, we lived on Cabin creek.
Q How far was the M. K. & T. Railroad from you? A. Wasn't there when we were there, never saw one.
Q Never saw a railroad around there when you lived there? A Yes sir.
Q Well how far was it from you? A. 15 miles, or 17 miles.
Q But you never saw it? A No sir, the first one that I w ever saw was at Vinita.
Q Did you ever go to Chetopa when you lived on Cabin? A Yes sir.
Q That road doesn't run through Chetopa? A Yes sir.
Q Didn't you see it up there? A No sir.
Q What did you and your husband do for a living there on that place? A Just what we could, he would go to the States and work in the harvest field and I staid at home and cought fish and made meal in a mortar and hominy and such things.

(By Smith)

Q When you went out of the Nation during the war, how far south did you go? A. I dont know.
Q Where did you go to? A. Went to Texas.

(By the Commission)

Q What was your father's name? A. Edmond Vann they said, I never seed him.
Q What was your mother's name? A. Mary Stover.

(Hastings)

Q Where is the first time you ever saw Mose Riley on Cabin creek? How many years ago? A. I dont know.
Q How old are you? A I dont know my age I dont know except what Mrs. Duncan told me.

MOSE RILEY called and sworn as a witness for the applicant:
(By Smith)
Q What is your name? A. Mose Riley.
Q How old are you? A. 51.
Q What is your post office address? A. Chelsea.
Q Do you know this applicant Liddy Carter? A. Yes sir.
Q How long have you known her? A. Ever since I was a small boy.
Q Where is she living now? A. Her place is on the other side of Cabin creek.
Q How far from Chelsea? A 25 or 30 miles.
Q In the Cherokee Nation? A. Yes sir.
Q Did you know her before the war or not? A. I used her in time of the war.
Q Where did you see her then? A. I guess it was at Mrs. Stover's, I was a small fellow then, they taken me there and I knowed her mamma well and this was the girl that I got acquainted with there.
Q What was her mother's name? A. Mary.
Q When did you first see this applicant after the war? A. When they was coming from Fort Gibson.
Q Where did you see them when they were coming from Fort Gibson? A I was cutting corn for Col. Bell - - -
(By Hastings)
Q Col. L. B. Bell, commonly called Hooley Bell? A Yes sir Col. Bell.
(By Smith)
Q It was Hooley Bell was it? A. Yes sir.
Q When was this? A. Right after the war, nothing after the war.
Q You dont know how long after? A. No sir.
Q Have you known this woman since that time? A. Yes sir.
Q When did you see her the next time? A. I saw her on the old place known as the Larkins' place - - now I guess it is the Larkins' place, the place known as the Old Larkins' place, right close to the line.
Q Who owns it now? A. I dont know.
Q Well go on? A I think they settled there on that place.
Q Who do you mean by "they" ? A This child's mamma and her children.
Q How long was that after you saw them when you was cutting corn for Col. Bell's ? A Perhaps two years, somewhere along near two years.
Q On which side of the line was that? A. South side of the line.
Q When did you see her next after that? A. It was at the same place, their brother hired me to build a house for them on the north side of Cabin creek
Q Near what point on Cabin creek? A One and a quarter miles of Bill Tucker's.
Q How far from Chelsea? A. I dont know.
Q Was it in the Cherokee Nation? A. Yes sir.
Q When did you next see her after that? A. Seed her here after that at Vinita.
Q Have you seen her here a few times or often since you saw her at Vinita? A Several times.
Q Do you know if Liddy is a relation of Eliza Gaines or not? A. She is her sister.
(By Hastings)
Q Where did Mrs. Stover live when you first saw this applicant? A I dont know exactly where it was, it was way over in there (pointing) some place.
Q How long had the war been going on then? A. I dont know.
Q Mr. Who do you mean when you said that you knew her mother Mary very well, you know that Mrs. Stover who named Mary and this woman Liddy's mother was named Mary? A I mean Mary Stover, and we went to James Allen Thompson's place, the Stovers and the Thompsons had married. Liddy's mother was a Mary Stover and there there was a Mary Stover that was a Cherokee and owned them.
Q How far did James Allen Thompson live from Mrs. Stover? A I dont know, I was riding on behind my mistress on a horse and was a little

follow, just big enough for her to have me put on behind her, and I was asleep most of the time as we was going along, and sometimes she had to tie me on to keep me from falling off and I dont know how we went or how far it was.
Q Well it was several miles wasn't it? A. I dont know.
Q Well it was long enough for you to go to sleep between places wasn.t it? A I went to sleep.
Q Do you know what sort of a house Mrs. Stover lived in? A I dont know what sort it was, I dont know if it was pine or what, I knew it had them white pieces running up and down the porch for I was climbing them and the old lady McNair or something like that came up and smaked my ears for it.
Q Was it a frame or log house? A I dont know anything about it except them things on the porch.
Q Were they posts? A. Yes sir.
Q Was that the time that you saw this woman here? A. Yes sir.
Q Was it in the timer or prairie? A There was some timber that we went through.
Q And you saw her mistress Mrs. Stover at the same time? A. Yes sir, that is what they called her.
Q She was there at the time? A. Yes sir, that was where we went that time.
Q And the first time that you ever saw her after the war was at at Hooley Bell's place where they were cutting corn? A. Yes sir.
Q Did you have any talk with them then? A. Yes sir, I staid there right sort of a spell.
Q Did they say where they were from? A Fort Gibson.
Q Hooley was living there was he? A. I guess so.
Q They were cutting corn for him? A. They was cutting corn.
Q And he was living there, Hooley was? A. I went up there to the place to get my pony and he was there.
Q How many years after the war was that? A. Not long.
Q Do you know where this woman was married the first time? A No sir, she wasn't married at that time when I seed her that I know of, she had a boy with her or some kind of a child, I dont think she was married then.
Q What was its name? A. Will, I believe, I'm not sure.
Q Was Will old enough to talk then? A Might habe been, he never talked none to me though, I never fooled with him.
Q It was this woman's child? A Yes sir.
Q Was you well acquainted with her first husband? A. No sir.
Q Did you ever get acquainted with her husband? A. Am acquainted with the one she has now.
Q What is his name? A. Carter.
Q Is that the only husband of hers that you became acquainted with? A I think one died.
Q You dont know where she married Carter? A. No sir.
Q How long has she lived where she is living now? A. I dont know.
Q How long have you known her up there? A. I have known where her place is five or six years.
Q You saw her there with one child when you saw her at Bell's? A Yes sir.
Q You know that she had one child then? A. Yes sir.
Q You are positive of that? A. Yes sir.

ELIZA GAINES, called and sworn as a witness for the applicants.
(By Smith)
Q What is your name? A. Eliza Gaines.
Q Do you know this applicant, Liddy Carter? A I know she is my sister
Q Is she older or younger than you? A. Younger, she was the baby.
Q Who was your mother? A. Mary Stover.
Q Who was your father? A. Edmond Vann, brother to Jim Vann.

Q Was Liddy a slave? A. Yes sir she was born a slave child.
Q Who owned her? A. John Stover.
Q Was he an Indian? A No sir.
Q Was his wife?A Yes sir.
Q Where was she when the war commenced? A. At the old place
Q Where was that, in the Cherokee Nation? A Yes sir, right where Mr Hasting's mother is living now. Four miles from Mayesville.
Q Was this applicant taken out of the Cherokee Nation during the war? A Yes sir, went to Texas together.
Q What year did you come back? A. I dont know what yeam, I know my master brought us back.
Q Was this applicant with you? A. Yes sir.
Q Where did you first come back to? A. Fort Gibson.
Q In he Cherokee Natian? A. Yes sir, my master died in the Chickasaw Nation.
Q Who did you come the rest of the way with? A. I hired a man to bring us to Fort Gibson.
Q Who did he bring? A. Berry Thompson, and Mrs. Harris, and Liddy Carter and Jane Webb and my children that was born then.
Q Are these all of your family that he brought up? A Yes sir.
Q There was you and Jane Webb and Berry Thompson and Liddy Carter? A Yes sir, and Mrs. Harris.
Q Any more? A My mother and brother but they is dead.
Q Did your mother and brother and you four make up the family that came in that lot? A. Yes sir all come in the same lot.
Q When was it you got back to Fort Gibson? A. When the soldiers was there, in '66 they told me.
Q Are you the same Eliza Gaines that applied some time ago? A. Yes sir the same one.
Q What was your name before you married Gaines? A. Nash.
Q Was this sister of yours, Liddy Carter, was she or was she not, with you in that crowd when you came back to the Cherokee Nation, as described by you in your testimony in your own case? A She was with me and staid with me for some time after we got here.
Q How long did she stay with you after you got here? A Until she was a grown woman.
Q How long was that after you came? A I dont know, exactly how long. I can't read and dont keep no count of nothing like that.
(By W. W. Hastings)
Q How long did you stay in Fort Gibson? A. About a year.
Q What did you do there? A. I washed and ironed.
Q Who for? A. The soldiers.
Q Did you live in a house? A. No sir in a tent.
Q All the time? A. All the time, we had a tent like a house.
Q Who kept the store there? A. I cant tell you, I knowed it was an Indian but I dont know his name.
Q There was a store there? A. One store that we traded at.
Q Then you came up by Hooley Bell's place did you? A. Yes sir.
Q And then you went to the Larkins' place? A Yes sir.
Q And this woman was with you all that time? A. Yes sir.
Q What is her oldest child's name? A. Will, he is dead.
Q Where was he born? A. In the Choctaw Nation.
Q How old is this woman? A. I dont know.
Q How old was she when the war came up? A. I dont think she was as old as Dora then.
Q What Dora? A. Her young mistress, I dont know if it was Dora or Martha.
Q Was she a grown woman when the war came up? A. No sir, these negro girls get grown now when they is 15 or 16 years old.
Q Was she 15 or 16 years old then? A No sir.
Q Where was her youngest child born? A. I dont know.
Q Do you know where she married first? A. No sir.
Q Do you know where any of her children were born? A. Only Will.

Q Is that all? A Yes sir.
Q Do you know where she married Tobe Middleton? A At Vinita I guess.
Q Do you know where she married Tobe Middleton? A At Vinita I guess.
Q Did she ever live with Jordan Harper? A. Yes sir, that was on Cabin creek.
Q In the same house with you? A. No sir.
Q How far from you? A. Not very far, as far as that house over yonder (pointing)
Q How long did she live there? A. Year or two.
Q Where did she go from there? A. Went to Chetopa and hired out and worked.
Q When did her husband Harper die? A. I dont know.
Q When did she marry Charles Carter? A. I dont know.
Q Where is she living now? A. On Possom creek I believe it is.
Q How long has she lived up there? A. She got a place up there after she drawed her money.
Q Where did she get her money, at which paying precinct? A. I dont know
Q How long did she live in Vinita? A. I dont know.
(By Smith)
Q Where is Possom creek, in the Cherokee Nation? A. Yes sir.

By Com'r Needles: Liddy Carter applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896; she is identified on the Kern Clifton and Wallace roll; she avers that her father was Edmond Vann and her mother was Mary Stover, and that she was a slave of the Stovers before the war; she avers that she was married three times, first to Jordan Harper, then to Tobe Middleton and then to Charles Carter her present husband. The applicant's attorney pray that the testimony taken in the case of her sister, Eliza Gaines on Cherokee Freedman doubtful card #230 be made a part of the record in the case at bar and it is ordered that a copy of same be filed herewith. Now the said Liddy Carter will be listed for enrollment as a Cherokee Freedman on a doubtful card and she will be notified by mail of the final decision of the Commission.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 26th of June, 1901 at Nowata, I. T.

(Signed) T. B. Needles

Commissioner.

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Q How old are you? A. I dont know exactly how old.
Q How, about how old? A. I got it you can see it? (So)
Q What is your post office address? A. Bluejacket.
Q In what district do you live? A. Cooweescoowee
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other Nation or tribe? A. No sir.
Q Haveyycu been recognized by the Cherokee authorities as a Cherokee freedman? A Yes sir.
Q Is your name on the roll of 1880? A. I dont know.
Q Who do you want to enroll besides yourself? A. Myself.
Q How many children? A They are there (Referring to paper)
Q Children all grown? A. Yes sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and applicants name not found thereon.

Q Did you draw what is known as the Strip money? A. Yes sir.

The Kern Clifton roll of citizens of the Cherokee Nation examined and applicant's name found thereon page 161,#3968.
Eliza Gaines, Cooweescoowee District.

By Mr. Smith, of the firm of Smith & Mellette, Attorneys for applicant.

Q Were youa slave? A. Yes sir.
Q Who was your owner? A. John Stover.
Q Was he a Cherokee citizen? A. No sir,my Mistress was.
Q What was her name? A. Charlotte Stover.
Q Where were you during the war? A. With my Master.
Q Did you go out of the Nation? A. Yes sir.
Q When did you get back? A. '66.
Q Do you remember what time in '66? A I come back in the fall of '66 near Christmas.
Q Where did you come to, what part of the Cherokee Nation? A. I come to Gibson.
Q Where do you live now? A. I live at Timbered Hill now
Q Have you a place there? A. Yes sir.
Q Farm? A. Yes sir.
Q Are you on the Kern Clifton roll? A. I guess I am on it, you will have to look and see.

(By W. W. Hastings, Cherokee Representative)

Q Whom did you come back to the Cherokee Nation with? A I come back with John Stover.
Q He brought you back? A. Yes sir, brought us to the Chickasaw Nation
Q Did he die in the Chickasaw Nation? A Yes sir.
Q He didn't come back here after the war? A. No sir, he died over there but we come back.
Q After he died then you came on up to the Cherokee Nation? A. Yes sir, I hired a wagon and came on up to Gibson.
Q Now, how many come along in that crowd? A There was not nobody but me and my sister, we hired a man to bring us.
Q What was your sister's name? A Jane Webb, she was Jane Brown at that time.
Q You hired a wagon did you? A. Yes sir.
Q Do you remember the man's name you hired? A. Mr. Brown, he was her husband.
Q How long did you stay at Fort Gibson? A. We staid there about, we come in the fall before Christmas, staid there until I getable to travel again.
Q About how long? A. I guess it was about nearly over six months, year, we staid there and drawed rations.
Q Whom did you stay with at Gibson? A. We was in a tent.
Q Just you two and her husband? A. Yes sir, and the children.

Q What children did you have at that time? A I had Julia and Georgia and John Henry and Lizzie.
Q They were all along with you? A. Yes sir.
Q Who did you work for at Fort Gibson? A. I washed for the soldiers.
Q And where did yougo from Fort Gibson? A. I staid there about a year and come up about Mr. Bell's.
Q Mr. Hooley Bell? A Yes sir.
Q Where was he living at that time? A. I can't tell you, but it was somewheres where the old Fort had been and there was corring there and anyway I know it was where he lived, I out corn for him.
Q For Hooley Bell? A. Yes sir.
Q How long did you stay with Hooley Bell? A. Staid there until along in the fall.
Q You staid there from the summer until the fall? A. Yes sir.
Q About six or eight months? A. Yes sir.
Q And that must have been the fall of 1887 when you staid up at Hooley Bell's? A I dont know.
Q Now, where did you go? A I went to Chetopa and staid there.
Q Chetopa, Kansas? A. Yes sir, right across the line.
Q You didn't go into the State of Kansas? A. No sir.
Q You only went up near Chetopa on the Cherokee side? A Yes sir, on what they call.
Q Now, when did you work for up there? A We was working for ourselves. A man hired us to go out and work on hisfarm, it was a man named Larkin
Q Now, how long did you work for Larkins? A We staid there a long time.
Q A number of years? A. Yes sir, until we moved down here.
Q Until you moved where you live now? A. Yes sir.
Q After you left Hooley Bell's place you went up to Larkins place? A Yes sir.
Q Are any of Mr. Larkins folks alive now? A. Not as I know of.
Q He had a family did he? A. Yes sir, he had four in his family, his wife and two children.
Q Was Mr. Larkins a citizen of the Cherokee Nation? A I dont know, He hired us to work.
Q Have you ever lived in Kansas since the war? A. No sir.
Q You never went up there at all? A. No sir, just go up there and come back.
Q You come back from near Chetopa to where you live now? A. Yes sir; I dont live there now, I live on Timber Hill near Bluejacket.
Q I mean you come from the Larkins place down to near Bluejacket? A. Yes sir.
Q What direction is that, is it on the Coowescoowee side? A Yes sir.
Q Towards the sunset from Bluejacket? A. Yes sir.
Q Did your sister go with you all these round you were talking about? A She was with me pretty much of the time.
Q Did these children go with you? A. They was with me some and I had some hired out.
Q You staid about three or four years at the Larkins place? A Yes sir
Q Did you have any neighbors around there? A There was no neighbors but one family.
Q What was that family? A. John Shafer.
Q Did he live in the Cherokee Nation? A. Yes sir.
Q Now, about how far from Chetopa were you, about how many miles to the best of your knowledge? A I guess it was about three or four miles.
Q Down on the Cherokee side? A. Yes sir.
Q South of Chetopa? A. Yes sir.
Q Were you living there when the railroad come there? A. No sir, there was no railroad, living there long before the railroad was built.
Q You were living there when the railroad was built? A Yes, sir, there wasn't no houses when the railroad come through.
Q You were living at Larkins when the railroad come there? A Yes sir
Q Now, Aunty, how far from the railroad track, the M.K.&.T. were you living? A I dont know, we could not hear the train.
Q On the south of the track? A That was on this side or the track over

in Coowescoowee.
(By Mr. Smith)
Q Who are your children? A. John Henry.
Q John Henry what? A. John Henry Nash, Julia Nash, Lizzie, Georgia Ann, Malinda, Etta, Berry, the other three is dead.
Q How many? A. Three is dead.
Q How many are alive now that you have? (No response)
Q You don't mean that any of those whose names you give are dead? A. No sir.
Q Do they go by this name; are they still named Nash, or are they married? A. They are married.
Q What are the names of the girls? A Malinda Johnson and John Nash, he goes by his daddy's name, Georgia Jones, and Lizzie Martin and Carrie Harrison.
Q Are they here? A, There is Mary Mayberry.

CHARLEY CHAMBERS, called as a witness on the part of Applicant sworn and examined by Commissioner T. B. Needles testified as follows.

Q What is your name? A. Charley Chambers.
Q How old are you Mr. Chambers? A. 78.
Q What is your post office address? A. Hudson.
(By Mr. Smith)
Q Do you know Eliza Nash or Eliza Gaines? A Yes sir.
Q How long have you known her? A. Well, I have known her somewheres about in '68
Q Where did you know her? A. When I first known her she was at, my first acquaintance knowing her, I seen her at Fort Gibson.
Q You are a freedman? A. Yes sir.
Q Are you on the 1880 roll, or not? A. Yes sir.
Q Where were you during the war; did you go out of the Cherokee Nation? A No sir; Yes sir; I went out of the Cherokee Nation, but I was in the Territory, the Choctaws.
Q The Choctaw Nation? A. Yes sir.
Q Do you remember when you come back to the Cherokee Nation? A, Yes sir.
Q When was it? A. I come back in '65 65, I come back in '66; this side of Fort Smith over there down in the bottom on this side of the river.
Q How long was it after you come back before you become acquainted with or see Eliza Nash, or Eliza Gaines?A Well I come back in, along, in the Summer and I come up from there and come up to Tahlequah where my old folks was living and it was that winter about the next, I mean the next year, the winter I was over to Fort Gibson and seen her there.
Q About what season of the year was it you got back? A. Along in the summer, Spring like.
Q Or 1866? A Yes sir.
Q And the following winter? A. No, it was the year we called there, that winter and the next winter, come in the same winter, that is right, the same winter.
Q Well, which was it, the following winter after you come back in the summer? A Yes sir.
Q Do you know her children, know what their names are all of them or not? A. No sir; I dont know; I never seen any of the children then, I didn't know anybody but her and she was up there, up there drawing government rations than when I seen her.
(By W. W. Hastings)
Q Did you see her there then the one time, Mr. Chambers? A. No sir, I seen her there as much as twice I know of; it was the first time I saw her there it was.
Q That was in the fall after you come back in the spring or summer ?
A Yes sir; after I come up from Fort Smith, I come up then to see my old folks that raised me and while I was there I went on there to Fort Gibson and seen her there.
Q You are positive you saw her? A Yes sir, I am positive I saw her there.

Q Are you positive about the year you saw her? A. It is the same winter after I come there; you see I staid there all that summer down there to Fort Gibson Smith and along in the fall I come up here.
Q And that is the fall you saw her? A. Yes sir, that winter I seen her.
Q You know that? A. Yes sir, I know that to be fact.
Q You come here you say in the spring or summer of 1865? A Yes sir.
Q And say it was the next winter you saw her? A Yes sir, I staid that summer there at Fort Smith in the bottom, understand me right; I staid there that summer in the bottom and that winter I come up to see my old folks who raised me; well that fall I staid there all fall and that fall I went down to Gibson, riding about as usual and staid around there a little while and I seen her and I was always a pretty good hand to notice women.
Q And you noticed her among all that bunch? A Yes sir.
Q You remember seeing her? A. Yes sir.
Q Well when did you next see her? A. I seen her again a short time after that I saw her there in a store the next time I saw her.
Q Whose store? A. I cant call the man's name now; but anyhow it was the store George Sanders was working in; I guess you know don't you, dont you recall.
Q I was not there? A There at Fort Gibson.
Q When did you next see her? A. I never seen her from over there, I never seen her any more until I saw her up there where she is living now, at Tinkered Hill.
Q How long was that after you saw her at Fort Gibson? A Four or five years.
Q You dont know where she had been in the mean time? A. No sir; but I dont think she had been anywhere but, I heard of her living up by William Tucker's
Q You never did see her up there? A. No sir.
Q Have you ever been arrested? A Yes sir.
Q What for? A. For several things.
Q How many times? A Twice, three times, one time for selling bows and the next time for selling cedar posts.
Q What Court? A. Cherokee; arrested one time by the United States Court
Q What for? A. For shooting at a man.
Q What was done with you? A. Never done anything with me.
Q Did they try you? A. Yes sir, never done anything.
Q What did they do with you in the Cherokee Court? A. Nothing, turned me aloose and let me go home.
Q Never was convicted? A. No sir.
Q You dont remember seeing anybody but this woman in 1866? A Oh, I seen lots others.
Q I mean of her family? A. If I did I didn't know em.

JAMES ALBERTY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. James Alberty.
Q What is your post office address? A. Chouteau.
Q How old are you, James? A. I am near 70 or older, I dont know.
Q Are you a citizen of the Cherokee Nation? A. Yes sir, I drawed money, votes.
Q Is your name on the roll of 1880? A No sir.

(By Mr. Smith)

Q Do you know Eliza Gaines? A. Yes sir.
Q Sometimes called Nash? A. I know her.
Q How long have you known her? A I dont know how long, I know her when she was with her old Master, I dont know how long that has been
Q Who was that? A. Mr. Stover.
Q Well, where were you during the war; did you go out of the Cherokee Nation? A Yes sir, south.
Q When did you return to the Cherokee Nation? A I returned in '66 before the Treaty was made.
Q Did you know where Eliza Nash was at that time? A (No response)

Q When did you see Eliza Nash? A. When I come back.
Q When was the first time you saw her? A. At Gibson.
Q When? A '66
Q Can you state at what time it was? A. In the fall.
Q Did you know any of her family, any of her children? A No sir I could not tell anything about them.
Q Did you know her sister? A. U Yes sir.
Q What was her sister's name? A. Lydia was one and Jabe was was one and if I dont mistake Mary was one, that I recollect.
Q Do you remember seeing any of them? A. Yes sir.
Q Who did you see? A. Lydia that I noticed.
Q That you remember? A. Yes sir.
Q Do you know of your own personal knowledge whether they, or any of them went out of the Cherokee Nation, and if so, when they came back?
A No sir I dont know.
(By W. W. Hastings)
Q Whom did you belong to when the war broke out? A. John Alberty.
Q John Alberty sold you out of here before the war? A. No sir, he didn't he sold Dave though.
Q You swear that you belonged to him at the time of the war? A. Yes sir, I never belonged to anyone else that I know of.
Q He never sold you out? A. No sir.
Q Where were you living when the war came up? A. Right at Pryor Creek right at the toll bridge.
Q Where was this woman living when the war came up? A. At Stover's.
Q How far was that from where you were living? A. I trained horses right there by Wilson's
Q Who did you train horses for? A Trained horses for Jim Kell
Q And you knew Eliza before the war? A. Yes sir.
Q What were you doing at Fort Gibson when you saw her there? A Nothing just riding about getting drunk; that is all I did in them days; I had money and didn't work.
Q Was Eliza living at Fort Gibson when you saw her? A. She was there washing, I dont know where she was living.
Q How do you happen to remember seeing her? A. I stopped there where she was and talked with her.
Q Did you see her there just once? A. The next time I saw her, ask me.
Q Where did you see her next? A. On Cabin creek.
Q Where was that? A. I dont know which way it is from here.
Q How far from Vinita? A. Good ways.
Q Near whose place? A. Bill Tucker's
Q On Cabin creek? A. Yes sir.
Q When was that you saw her there? A I dont know, it may have been a year or maybe more.
Q She was living up there then? A. Yes sir, in the house not far from Mr. Tucker's
Q Where did you see her the next time? A. Where she lives nowe
Q About how long was that after that? A. I dont know.
Q She moved from where she lived on Cabin creek to where she lives now? A. Yes sir.
Q West of Bluejacket? A. Yes sir, west of Bluejacket.
Q Jim, were you ever tried for anything by the Courts? A. No sir
Q Never was arrested? A. No sir, not by Courts, I was not
Q By Marshals? A No sir, I used to be a Marshal myself, I never was arrested for any crime or any kind, never was.

Com'r Needles- Eliza Gaines applies for he enrollment of herself as a Cherokee freedman. Her name is not found upon the authenticated roll of 1880 or any rolls now in the possession of this Commission except the Kern Clifton roll, and her name is found thereon according to the page and number as indicated in the testimony. Her name will no be placed upon a doubtful card for

the further consideration by the Commission. The final decision of the Commission will be made known to the applicant at her post office address by the usual course of mail. If at any time she desires to introduce any additional testimony the same will be received.

* * * * * * * *

J. O. Rosson, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 16th day of May, 1901.

(Signed) C. R. Breckinridge

Commissioner.

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To be filed with the case of John Harper C.F.D.# 721

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9th 1901.

In the matter of the application of Berry Thompson for the enrollment of himself and three children as Cherokee Freedmen; said Thompson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Berry Thompson.
Q How old are you, Mr. Thompson? A About 46.
Q What is your post office address? A. Bluejacket.
Q What district do you live in? A. Geomessocowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you desire to enroll besides yourself? A I got three children
Thompson.
Q What are the names of your children? A Oldest one is named Elmer
Q How old is Elmer? A. 14.
Q The next one? A. Leo.
Q How old is Leo? A. 15.
Q The next one? A Morrison.
Q How old is Morrison? A. Ten.
Q Is that all? A. Yes sir.
Q What is your wife's name? A. Bell Thompson.
Q Is she a citizen? A. No sir.
Q Is she the mother of these children? A. Yes sir.
Q What was her father's name? A. Holston.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No sir.
Q Have you ever been recognized by the Cherokee authorities as a
Freedman? (No response)
Q Kinda half way? A Yes sir, just like the rest of them.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir
Q Is your name on the roll of 1880? A No sir.
Q Is it on the Kern Clifton roll? A Yes sir.
Q Were you married to Bell Thompson? A. Yes sir.
Q Have you any certificate of marriage? A. No sir.
Q Have you any proof of marriage? A. Yes sir.
Q Whom can you prove your marriage by? A. Her sisters.
Q Are they here? A. Yes sir.

JOHN NASH being sworn and examined by Commissioner T. N. Needles testified as follows:
Q What is your name? A. John Nash.
Q What is your age? A. 35.
QWhat is your post office address? A. Bluejacket.
Q Do you know Berry Thompson? A. Yes sir.
Q Do you know his wife, Bell? A Yes sir.
Q Do you know whether they were married or not? A. Yes sir they was
married.
Q How do you know? A. Old man Bluejacket married them.
Q Did you see them married? A Yes sir.
Q Was Bluejacket a minister? A Yes sir, Uncle Charley Bluejacket.
Q Have they been living together as man and wife ever since their
marriage? A Yes sir.
Q Is Bell Thompson living now, his wife? A. Yes sir
Q Did they have any children? A. Yes three.
Q Born to them while they were living together as man and wife? A
Yes sir.
Q What is the names of them do you recollect? A. Elmer.
Q Leo? A Lee and Morris.

BERRY THOMPSON, the applicant, re-called, testified as follows: Examination by Mr. Smith, of the Firm of Smith & Mellette, Attorneys for Applicants:

Q How old did you say you were, Berry? A. 46.
Q Were you a slave? A. Yes sir.
Q Who was your owner? A. John Stover.
Q Are you related to Eliza Nash, or Eliza Gaines? A I am her brother
Q Did you go out of the Nation, or were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q By whom were you taken out? A. My Master.
Q When did you return? A I come back when she did, '66
Q When who did? A. My sister, Eliza.
Q When your sister Eliza Gaines, returned? A. Yes sir.
Q Have you a farm? A. Yes sir.
Q Where is it? A. It is three miles west of Bluejacket.
Q How long have you had it? A. About 15 years.
Q You say you are on the Kern-Clifton Roll? A Yes sir.
(By W. W. Hastings, Cherokee Representative)
Q Where were you married? A. I was married about three miles and a half from Bluejacket at the lower end of Timbered Hill.
Q You had heard the statement of your sister, Eliza and sister, Jane; did you go the rounds with them? A. Yes sir.
Q Did you ever live in Kansas? A. I worked up there.
Q Where? A. I worked at Chetopa some and Columbus.
Q How far is Columbus from Chetopa? A. About twenty miles.
Q How long did you work up there? A. I worked there off and on, cooked; I was up there three months I guess.
Q You were married in the Nation? A Yes sir.
Q Did you make your home with your sister before your marriage? A. I worked out a good deal of the time, worked at Vinita, some, I lived with my mother.
Q What was your mother's name? A. May Stover.
Q Did she come back from Texas with you? A. Yes sir.
Q With your two sisters too? A. Yes sir.
Q Your mother was along too? A. Yes sir.
Q Is your mother alive? A. No sir.
Q Where did she die? A. She died up at Timbered Hill.
Q About how long ago? A. About 13 years.
Q You made your home with her until she died? A. Yes sir.
(By Smith)
Q Where was it your mother died? A. She died at Timbered Hill in the Cherokee Nation.
Q What was your mother's name? A. Mary Stover.
Q Do you know whether she was ever on the 1880 roll or not ? A. I dont know for sure whether she was or not.
Q How long has it been since she died? A. About 13 years.

The 1880 authenticated roll of Cherokee freedmen examined and applicant's name not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and the names of applicants found thereon as follows:
page 162 #4008 Jerry Thompson, Goowesscoowee district.
page 162 #4009 Elmer Thompson, Goowesscoowee district.
page 162 #4010 Lee Thompson, Goowesscoowee district.
page 162 #4011 Morrison Thompson, Goowesscoowee district.

Com'r Needles,- Berry Thompson applies for the enrollment of himself and three children, to-wit: Elmer, Lee and Morrison. His name is not found upon the authenticated roll of 1880, nor the census roll of 1896. His name is found upon the Kern-Clifton pay roll. The names of his three children are also found upon said roll. He is duly identified according to the page and number of said roll and makes satisfactory proof as to residence. By agreement of the counsels

In this case, the record in the case of Chika Gaines, D.#220, is referred and made a part of the record in this case. The names of Berry Thompson and his three children (as enumerated herein, will now be listed upon a doubtful card for further consideration of the Commission. When the decision of the Commission is rendered at he will be notified by mail. If he desires at any time to introduce any further evidence in his case, the same will be received.

* * * * * * * * * * * *

J. O. Rosson, being first duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 10th day of May 1901 .

(Signed) C. R. Breckinridge,

Commissioner.

\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$

I, Chas. von Weise, upon my oath state that the foregoing is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this 5th of September, 1901.

Commissioner.

M D Green

MDG

DEPARTMENT OF TH
COMMISSION TO THE FIVE
FILE
SEP 7 1901

NOTICE!

IN THE MATTER OF the application of ..... Jordan Harper ..... for enrollment as Cherokee Freedmen:

Case No. F. D 721

To Jordan Harper or Mellette & Smith his Atys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Vinita ..... Indian Territory, on ..... Oct. ..... 12th ..... 1901 ..... ock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ..... SEP 20 1901 .....

L B Bell

W. M. Hastings

.....

Attorneys for the Cherokee Nation.

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this..... .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of SEP 23 190... 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

DEPARTMENT
COMMISSION TO THE ...
FILED
SEP 24 1901

ACTING CHAIRMAN.

7 Cy 10221

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 12 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 10, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Adam Hawkins for enrollment as Cherokee Freedman.

Millette E. Smith

Cherokee Freedman # D 791

File with case of Nordan Harper, C.F.-D.#721.

Supl.C.F.-D.#220.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ELIZA GAINES as a Cherokee Freedman, introducedon part of the Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

JONNATHAN GORE bei ng duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Johnathan Gore.
Q Where do you live? A I live near Bluejacket, in the Cherokee Natio..
Q How long have you lived in the Cherokee Nation? A I have made that my home since '78; I have lived in the Nation longer than that, but that has been my home since '78
Q When you located at Bluejacket or near w here Bluejacket is now, were you over that section of country very much? A Yes, sir, I was around there quite often.
Q Are you acquainted with Eliza Gaines? A Yes, si r, I know Mrs. Gaines and her people.
Q How long have you been acquainted with Eliza Gaines? A Well, I don't know, I can't tecollect the first time I ever met her, but it was along in '85 or 6, I ain't positive as to dates.
Q Do you know what they call Timberood Hill out there northwest from where Bluejacket is? A Yes, sir.
Q Do you know where she livesnow? A I know where the old man lives, I suppose she lives with him, I never was right in the house, I have been right close to it.
Q Well, that section of country, were you through that section of country when you located at Bluejacket up to '81 or '2? A Yes, sir, I live near there and I was through the hill quite often, I had stock up there once.
Q When did these people settled up there to the best of your knowledge? A I can't tell you the exact time they settled there, it must have been '82 or '83; I never saw these people there in '79, '80 or '81, they might have come there i n '82.
Q Well, were you over the country where they located there, where their improvements are? A Yes, sir.
Q Could they have had a place and you not known it? A There was no place where Mrs. Gaines lives now; that is none except the Cris Young place and he built his house in '81, and I assisted him in building it and was familiar with nearly everybody that lives on Timbered Hill at that time and there were no colored people living there.

MR. MELLETTE: When did you get acquaint ed with Eliza Gai nes? A Well, sir, I can't state as to the time I got acquaintedwith her; I have seen her in town and the people said that was Mrs. Gaines, I can't give the exact date.
Q Now, you don't know whetheryou got acquaint ed with them when they first came up there about Bluejacket or not, do you? A I could not state positi ve when they came there at the exact time, I know there was none living there at the time I was putting, assisted Cris Young built his house and for quite a while afterwards.
Q You don't know anything about them being at Fort Gibson right after the war? A Nothing in the wor ld about it.
Q And about them living down about Holley Bell's place? A No, nothing in the world about it.

Q And living up near Chetopa at the Larkins place? A No, nothing about it.

GEORGE WALKER, being duly sworn testified as follows, on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A George Walker.
Q Where do you live, Mr. Walker? A Live on Cabin Creek.
Q What is your post office? A Henson.
Q Cherokee Nation? A Yes, sir.
Q How old are you? A I am 71.
Q How long have you lived in the Cherokee Nation, Mr. Walker?
A Well, I guess I have lived there all the time.
Q Well, how long have you livedup in the neighborhood where you now live, up in that section of country? A Well, I moved up there towards Chetopa there in the fall of 66.
Q Been living in that locality since that time? A Yes, sir.
Q Do you know a man by the name of Larkins who at one time lived up near Chetopa, Kansas? A Yes, sir.
Q Where was he living when you first knew him, Mr. Walker? A Well, I don't recollect exactly but I think I was living where I am living now.
Q Well, where was he living with reference to where you were living, Larkins? A He built him a house close to Chetopa there.
Q In the Cherokee Nation or State? A In the State.
Q Well, after you knew him living there, did he live on that place?
A I could not tell you.
Q Well, did he afterwards live in the Cherokee Nation? A Well, I think he lived on Russell Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Now, when was that he moved on Russell creek with reference to the time the railroad came through that country? A I can't recollect.
Q Do you know what the place he lived on is known by now, what place? A I believe Holderman owns it now.
Q Has it ever been known as by any other name besides Larkins left it, besides Larkins and Holderman? A No, sir.
Q How far from the Boudinot ranch place? A About three miles.
Q And he lived there after the railroad came through? A Yes, sir.

MR. MELLETTE: Now, Mr. Walker, you say that Larkins built a house in or close to Chetopa? A Yes, sir.
Q How far across the line was it? A It is right in the edge of town.
Q Then, there was his place in the Cherokee Nation? A I am a little bit too fact, I think a man by the name of Reed first built it and Larkin got it away from him.
Q How far is Chetopa from the Cherokee line? A It is about two miles and a half.
Q Whereswas Larkins' place in the Cherokee Nation? A It was up Russell Creek about something near three miles.
Q Three miles from where he livednear Chetopa? A It is about four I guess.
Q He owned that place there all the time, Larkins place on Russell Creek? A No, he didn't stay there powerfully long.
Q Well, didn't he own the place I saw? A I don't think he owned it, it was down in somebody else' name.
Q What? A He didn't own it.
Q He was a noncitizen? A Yes, sir.
Q How far did you live from Larkins' place? A About seven or eight miles, seven miles I guess.
Q Didn't he cultivate that place all the time he lived up there near Chetopa? A Yes, he cultivated it or had it done.

Q That is before he moved down on it? A I don't know about that, I can't recollect.
Q Russell Creek is right close to Chetopa, isn't it? A About three miles and a half.
Q Now, the Holderman place you speak of as being the old place Larkins moved to, that is in the Cherokee Nation, isn't it? A Yes, sir.

J. R. HURST, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. R. Hurst.
Q Where do you live, Mr. Hurst? A I live down at Claremore.
Q How old are you? A I am 48 years old.
Q Where were you raised? A I was raised, I was born up here at Chetopa Kansas, and principally raised right around there.
Q Well, you have been residing in the Territory practically and lived here the greater portion of your life? A Yes, sir, that was in the Cherokee Nation then.
Q Where were you living when the war closed, Mr. Hurst, or near what place A I was living, let's see, in '66 we lived on Verdigris river right at the mouth of Russell creek.
Q Well, after the war did you become acquainted with a man by the name of Larkins? A Yes, sir.
Q How long did you know him, from the time shortly after the war, until the time of his death? A Why I know him; I think the first time I ever met Mr. Larkins it was in '68.
Q Well, he was a United States citizen; I mean by that was he a Cherokee citizen or United States citizen? A He was a United States citizen.
Q Where was he when you met him, Mr. Hurst? A He was in Chetopa, Kansas.
Q After that time did you have any business transactions with Mr. Larkins? A I hired for him and worked two years.
Q Where did you work? A I worked right on the head of Elk Creek.
Q In the Cherokee Nation or where? A Cherokee Nation.
Q Whose place was it? A I think Boudinot claimed it; first it started in my name and afterwards I think Boudinot got it in his name.
Q Now, what year was that place started after you got acquainted with Larkins in '68? A Yes, sir.
Q How long did you stay with Larkins on the place?
A I stayed there about two years.
Q Where did you go when you left there? A I went to Texas.
Q Do you remember about what year you went to Texas? A It was about '70.
Q I will ask you whether or not after you left Mr. Larkins place, which had been run in your name part of the time, to go to Texas, was any colored people working for Larkins on that place?
A Not that I know of, I worked on the place all the time; I had it in my possession and tended cattle, had 640 head of cattle.
Q When, if you know, did any colored people come around that ranch there, or if any come, before you went to Texas?
A There wasn't any come at all before I went to Texas.
Q And you went in 1870? A Yes, sir.
Q Do you know who that place belongs to now or have you been up there in a good many years? A No, sir.

MR. MELLETTE: I believe you said, Mr. Hurst, it was the old Boudinot place? A I don't know, I think Boudinot owns it, afterwards.
Q Any land in cultivation on it? A Yes, sir, afterwards.
Q I am not talking about afterwards, I mean while you were there?
A Oh, yes, we broke out about 160 acres while I was there.
Q Well, you stayed there just about a year? A About two years.
Q Were you confined closely about your work? A All the time, right there about the place, stayed right there.

Q How far is that from the Holderman place? A It must be about mile and a half or two miles, I don't know but what the Holderman place joins it now.
Q Did you keep track of everybody that was there in that country?
A Why, at that time I did.
Q How far did your range extend, how far did you know the people?
A Well, my range extended from Neosho river over to the head of Cabin creek.
Q You watched everybody that came in? A I knowed everybody, nearly everybody.
Q Have you ever been convicted of any crime?
Mr. Davenport: I object to that.
Commission: The objection will be noted, and answer the question.
Q Were you convicted? A Yes, sir.
Q Were you sent to the penitentiary? A Yes, sir.
Q Where from? A I was sent from Oswego, Kansas.
Q How long ago? A Let's see, it was in '74.
Q What charge? A Grand Larceny.
Q How long did you serve? A Five years
Mr. Mallette: I ask that his testimony be stricken out?
Commission: The objection will be noted, and the testimony will be considered for what it is worth.
MR. DAVENPORT: Did you serve your time? A Yes, sir.
Q You were in charge of the ranch for Mr. Larkins? A Yes, sir.

GRANVILLE CRAIG, being duly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Granville Craig.
Q Where do you live, Mr. Craig? A Big Cabin.
Q What is your post office? A Bluejacket.
Q How old are you? A 50.
Q How long have you lived in the neighborhood of Bluejacket?
A Since '75.
Q How far do you live from Timbered Hill out west of Bluejacket?
A About a mile.
Q How long have you lived in that section? A All the time.
Q When you came down in that country in 1873 who was living in that country? A Nobody.
Q Do you know Eliza Gaines? A Yes, sir.
Q How long have you known her? A Since '82.
Q Where ewasshe when you first got acquainted with her? A Right there where she lives now.
Q Di they have improvements when you got acquainted with them, and what was the circumstance of your seeing them? A They was building a cabin there.
Q How far is that from where you live? A About three miles.
Q You had been living up in that country from '72 or '3 up until now? A Yes, sir.
Q What had you been doing there? A Farming and live stock.
Q Had they lived in that neighborhood from the time you went in there until you saw them there building that cabin in 1882?
A No, sir.
Q You don't know where they came from? A No, sir.
Q Did you ever know a man by the name of Larkins that lived up there by Chetopa? A Yes, sir.
Q Where was he living when you got acquainted with him?
A In Chetopa, right at the edge of Chetopa.
Q Do you know where he had that ranch down there on Russell creek?
A I could not say what time he run the ranch there.
Q How far is that from this Timbered Hill where you live?
A That is some 12 or 14 miles.

Q Do you know whether he was handling that ranch after the M. K. & T. railroad came through or before A I think he was handling it at the time the railroad came through and some time afterwards.
Q You don't remember when he began? A No, sir.
MR. MELLETTE: Well, Mr. Craig, you spoke of knowing Eliza Gaines living at the place she is living now? A Yes, sir.
Q She located there in '82? A Yes, sir.
Q And lived there continuously since that time? A Yes, sir.
Q That is in the Cherokee Nation? A Yes, sir.
Q You don't know where she lived before that? A No, sir.
MR. DAVENPORT: Do you know any of her family, to show it was the same Eliza Gaines, do you know any of their children?
A Yes, sir, I know some of them, I know John Nash and Ed and used to know two or three girls that worked around there over the country

C. C. YOUNG, being daly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A C. C. Young.
Q Where do you live, Mr. Young? A Two miles west of Bluejacket.
Q How old are you? A 50 years old.
Q How long have you lived in that neighborhood, Mr. Young? A Since '81.
Q How far do you live from what is known as Timbered Hill northwest of Bluejacket, or west of Bluejacket? A I live about a quarter of a mile northeast if the main timbered Hill.
Q How long have you lived there at that place?
A Settled there in '81.
Q When you built there were there any colored people living near where you built? A Yes, sir.
Q Do you know Eliza Gaines? A Yes, sir.
Q Do you know any of her family? A Yes, sir.
Q What were their names? A I know John, Eliza, Malinda.
Q What does John go by? A Name of John Nash.
Q Now, when did they come into that country and establish any improvements? A The first I knowed of them they come there in '82; I seen them go over there in the Spring of '82 in an ox team and in the fall of '82 they put up a small cabin.
Q In the Fall you say they come from what direction were they coming? A They was coming a little southeast.
Q And they came back in the fall and located that year? A Yes, sir.
Q How far did they locate from where you had your place, Mr. Young?
A About a mile west.
Q They have been living there since that time? A Yes, sir.
MR. MELLETTE: You don't know where they lived before that?
A Well, some of them said they lived over in the Jenkins settlement.
Q Where is that? A That is west of Timbered Hill.
Q That is in the Cherokee Nation is it? A Yes, sir.

J. W. CLARK, being duly sworn, testified as follows on behalf of Cherokee Nation:
MR. DAVENPORT: What is your name? A J. W. Clark.
Q Where do you live, Mr. Clark? A I live in the Territory here, you may call my home here in Vinita.
Q Your wife stays here doesn't she? A Yes, sir.
Q How old are you? A I am 58 years old.
Q Were you living in the Cherokee Nation at the close of the war, Judge? A Yes, sir, lived here all my life.
Q What place were you living? A When the war closed?
Q Yes. A I was soldier at Fort Gibson, mustered out there last May, '65.
Q Well, after you were mustered out where did you go? A I lived on Grand river in the vicinity of wh- I am living now.

Q Well, did you afterwards have anything to do in latter years as what is known as the Hooley Bell place? A Hooley Bell place now, but wasn't then; I lived about seven or eight miles then, it was known as the Joe Martin place then, that is the Hooley Bell place
Q Well, were you on that place or had anything to do with it the year after the war? A Yes, sir, I had a bunch of cattle there from August to September.
Q What year? A '66.
Q Was any land in cultivation? A No, sir, the rails had all been burned by the soldiers and people passing and before the house was built there, there wasn't nothing there but a stockade built there during the war, there was a right smart of trouble around there and built a Fort there.
Q Was there any cultivated land there in '67? A There was not any, Captain Bell movedback on the place in the fall of '67.

L. B. BELL, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT:

Witness: L. B. Bell; 62; Vinita.

Q Where were you living at the close of the war, Mr. Bell?
A My family was in Russ County, Texas, I reckon I was living there.
Q When did you come back to the Cherokee Nation? A I come back here in 1867.
Q Well, when did you move to the place which is known as the Joe Martin place, just after the war; what is now known as Hooley Bell place? A Well, I moved up to that Joe Martin place at the crossing of the Military road on Cabin Creek, in Tahlequah district; I think I moved into the house in November 1867, I built the house there.
Q That the place they had a kind of a Fort there at the time of the war? A Yes, sir, there was a stockade there.
Q Had you any improvements made on that place in 1867? A No, I will tell you, I moved here in 1867 and made a crop about eight or ten miles down below that place on the same side of Grand river, and on Grand river, and I built my house there, or commencedit in September or October and finished it in November and moved in it in November; there was no house there, there was no field there, the old field, the plowed ground that had been before that, but there was no fence around it.
Q Do you know Eliza Gaines? A No, sir.
Q Do you know whether or not she and her family cut any corn for you since the war? A Well, along about 1869 is when I raised a crop there, I guess she come, there was some negros there that belonged to old John Stober, stopped and cut the corn.
Q Do you know from what direction they came when they came up there; did you have any conversation as to where they came from? A No, sir, I wasn't at home and my wife hired them to do the corn cutting and I got there about the time that got through; that is my understanding is they was right up from Fort Gibson, moving home, but I don't have any distinct recollection of having had any conversation with them directly about where they had come from, or as to whether they had just come into the country or not.
Q It was the first corn crop you had cut on the place? A Well, I told you I didn't have any field there, in 1867 I made a little patch, in '68 probably three or four acres and didn't have anything like a field until '69, it was in '68, is my recollection when they cut that corn; that is when I had the corn cut, and I understood it was these Stover negroes that done the cutting.

MR. MELLETTE: Now, Col. Bell, Eliza Gaines belonged to John Stover, a Cherokee, at the beginning of the war, didn't she?
A I said a while ago I didn't know Eliza Gaines. I lived in the neighborhood and John Stover he had a lot of slaves and I understood from them that they was John Stover's slaves and I so took it, and believe it yet.

Q Well, now, when you see Eliza Gaines after the war? A I don't know that I ever saw Eliza Gaines after the war.
Q Well, now, Col. Bell, you made an application for her before the Wallace Court? A I guess I did.
Q When John W. Wallace was making a roll of Cherokee Freedmen and you made an affidavit-

Mr. Davenport: I object to it unless he is going to introduce the affidavit.

Mr. Mellette: I am going to introduce the affidavit.

Q When did you say you saw them? A In '68 I don't remember that I had any corn before that.
Q I will ask you if you didn't make this affidavit before John W. Wallace, U. S. Commissioner, who was making a roll of the Freedmen? Now I will read you your affidavit: "In the matter of the claim of Eliza Gaines: L. B. Bell, being sworn, states that to the best of his recollection she was a slave and belonged to one John Stover, who lived in Delaware District for many years near (two miles) of where he lived in the Cherokee, and that he has had said Eliza Gaines in his employ in about the year 1867 or 1868. I am a citizen of the Cherokee Nation have been such all my life. (Signed) L. B. Bell.

Note: L. B. Bell is a member of the Cherokee National Council/

Subscribed and sworn to before me this September 11th, 1889.

John W. Wallace, Commissioner."

A The only employment I recollect of giving her, that is the woman who claims to be that woman was to cut this corn.
Q Now, Col. Bell, this is a certified copy of your affidavit from the Secretary of the Interior and wasn't your recollection better then of the matter than it is now? A I don't know. Well, my recollection is no better then than it is now about the crop raising to a certainty, as I said a while ago it could not have been earlier than 1868 I cut the corn and I never lived on the place until 1868.
Q You stated here in this affidavit it was about '67 or '68, you don't put it as early as '67 now? A It could not have been '67, I don't have any recollection of employing her, if she is the woman I employed, in any other capacity except cutting that corn, and I don't think they stayed there only a few days.
Q Did you know Nancy Dameron, she was a witness for Eliza Gaines before Mr. Wallace at the same time you were? A Yes, sir.
Q was she a Cherokee Indian? A Yes, sir, she was John Stover's daughter.
Q Is she dead or alive? A She is dead I think she resided in this town here.
Q I have here a statement of Eliza Gaines made before John W. Wallace? U. S. Commissioner, on the 11th day of September, 1889, stating that she was a slave of John Stover, a Cherokee Indian, at the beginning of the war, that she left the Cherokee Nation during the war, and that she returned to the Cherokee Nation in 1866; also giving the names of her children, I want to introduce a certified copy from the Secretary of the Interior.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the statement of Eliza Gaines before the Wallace Court for the reason that it is incompetent and immaterial; she, Eliza Gaines, being alive and having testified in her original application in this case.

Mr. Mellette: I ask now to introduce the affidavit of Nancy Dameron, who is dead, which affidavit is as follows:

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the affidavit for the reason that it is an ex parte statement of the witness and not a proceeding in Court taken after due notice to all parties

interested, and because of the further fact that it is incompetent and immaterial, and there are living witnesses by whom the same facts can be established--Mrs. Dameron's sister and others are now living, who know the same facts that Mr. Dameron knew and one of whom is now in the town of Vinita for the purpose of giving evidence in cases to-day.

Commission: The objection will be noted, and affidavit will be filed and considered for what it is worth.

Mr. Vellette: Now, the Attorney for the Applicant files the affidavit of Nancy Dameron, which is certified to as correct by the Commissioner of Indian Affairs.

Commission: This testimony will be made part of the record in the following freedmen cases. D.#221, D.#221, D.#222, D.#223, D.#224, D.#225, D.#226, D.#227, D.#228, D.#229, D.#230, #D.307, D.#247, D.#322, D.#231, D.#232, D.#716, and also in the case of Eliza Gaines, D.#220.

---oooOOOooo---

J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J C Rosson

Subscribed and sworn to before me this October 19th, 1901.

Commissioner.

Freed B. 620

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PEPPY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. B 436, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jordan Harper, B 782;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothemberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Eliza Gaines et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Eliza Gaines	Cherokee Freedmen D 220
Jane Webb	Cherokee Freedmen D 221
Mary Mabry et al	Cherokee Freedmen D 222
Berry Thompson et al	Cherokee Freedmen D 223
Julia Nash	Cherokee Freedmen D 224
Georgia Jones et al	Cherokee Freedmen D 225
John H. Nash et al	Cherokee Freedmen D 226
Malinda Johnson et al	Cherokee Freedmen D 227
Eliza Greene et al	Cherokee Freedmen D 228
Berry Nash	Cherokee Freedmen D 229
Edward Nash	Cherokee Freedmen D 230
Carrie Harris et al	Cherokee Freedmen D 231
Ella Humes	Cherokee Freedmen D 232
Aaron Martin	Cherokee Freedmen D 235
Michael Martin	Cherokee Freedmen D 236
George Martin et al	Cherokee Freedmen D 237
Joshua Martin	Cherokee Freedmen D 238
Edward Brown et al	Cherokee Freedmen D 307
Israel Martin et al	Cherokee Freedmen D 315
Nellie Brown et al	Cherokee Freedmen D 697
Harriett Tucker et al	Cherokee Freedmen D 716
Lydia Carter	Cherokee Freedmen D 717
Allie McElroy et al	Cherokee Freedmen D 718
Robert Harper	Cherokee Freedmen D 721
Jordan Harper	

D E C I S I O N.

The record herein shows that applications were made to this Commission for enrollment, as Cherokee Freedmen, by Eliza Gaines, for herself; by Jane Webb for herself; by Eliza Gaines for her daughter, Mary Mabry; that, subsequent to the date of the original application, a birth affidavit which is made a part of the record herein, was filed with the Commission, showing the birth of Frank Mabry; by Berry Thompson, for himself and minor children, Elmer, Lee and Morrison Thompson; by Julia Nash, for herself; by Georgia Jones, for herself and minor children, John H., Allen, Charlie, Susie, Walter, Roxie, McKinley and Centralia Jones; by John H. Nash, for himself and minor children, Allie, Jesse H., Ollie and Lucy Nash; by Malinda Johnson, for herself and minor children, Lottie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben and Lew Johnson; that, subsequent to the date of the original application, birth affidavits, which are made a part of the record herein, were

filed with the Commission showing the birth of George and Julia Johnson; by Eliza Greene for herself and minor children, Martha, Dona, Peter W., Louretha and Ennis Greene; by Berry Nash for himself; by Edward Nash for himself; by Carrie Harris, for herself; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Delilah Harris; by Ella Hunes, for herself; by Aaron Martin, for himself and others (said other parties being differently classified and not embraced in this decision); by Michael Martin, for himself; by George Martin, for himself, his wife, Alice, and minor children, Martha, Clifton, Ethel and Jane Martin, by Joshua Martin, for himself; by Edward Brown, for himself and minor children, Henry and Stella Brown, that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Laura Brown; by Israel Martin, for himself, his wife, Lizzie, and minor children, Maggie, Lonas, Laura and Lottie Martin; by Nellie Brown for herself and minor children, Monie, Moses, Jennie, William and Michael Brown; by Harriet Tucker for herself and minor children, Clem Martin, Ann Stumbaugh, Henrietta Bean, George Tucker and Floyd Tucker; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Sarah J. Tucker; by Lydia Carter for herself; by Allie Holbrook, for herself and minor child, Otto Taylor; by Robert Harper, for himself; and by Jordan Harper, for himself.

The evidence shows that Eliza Grimes, Jane Webb, Henry Martin, Lydia Carter, Aaron Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones are the principal applicants herein; and that all the other applicants in these several cases have been born since 1880 and, with the exception of Ella Hunes and Alice Martin, are descendants of some of said principal applicants and claim right to enrollment through them; that all of said principal applicants were slaves of Cherokee citizens at the commencement of the rebellion and left the Cherokee Nation during the rebellion, but returned thereto in 1865.

The evidence further shows that Ella Hunes is the daughter of Jane Mango, sister of Eliza Grimes, one of said principal applicants, and claims right to enrollment through her; that the said Jane Mango was the slave of a Cherokee citizen at the commencement of the rebellion, and was residing in the Cherokee Nation on July 19,1866.

The said Alice Martin was duly identified in the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

All of the applicants herein have resided in the Cherokee Nation since 1865, or from date of birth where born since the year 1865, up to and including the date of the application herein, excepting occasional trips of a temporary nature outside of the territory; that all of said applicants were residents in said Cherokee Nation on June 28,1898.

It appears, from affidavits, made a part of the record herein, that the applicant, George Johnson, died in October, 1902; and that the applicant, Eliza Greene, died in October, 1901; and that the applicant, Ennis Greene, died in August, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902,(32 Stats.,716),provides:

"The roll of citizens of the Cherokee Nation shall be closed September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall

be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that Eliza Grooms, Jane Webb, Mary Embry, Frank Embry, Jerry Thompson, Elmer Thompson, Lee Thompson, Harrison Thompson, Julia Nash, Georgia Jones, John F. Jones, Allen Jones, Charlie Jones, Willie Jones, Walter Jones, Fannie Jones, McKinley Jones, Centralia Jones, John H. Nash, Alice Nash, Jesse E. Nash, Ollie Nash, Lucy [illegible], Willie Johnson, Lottie Johnson, Lizzie Johnson, Nellie Johnson, Va Johnson, Annie Johnson, Peter McKinley Johnson, Reuben Johnson, Lewis Johnson, Julia Johnson, Martha Grooms, Jane Grooms, Peter Grooms, Louretha Grooms, Terry Nash, Emery Nash, Carrie Harris, Delilah Harris, Lida James, Aaron Martin, Robert Martin, Peter Martin, Alice Martin, Martha Martin, Clifton Martin, Rachel Martin, Jane Martin, Joshua Martin, Edward Brown, Henry Brown, Stella Brown, Laura Brown, Isaiah Martin, Lizzie Martin, Lewis Martin, Louis Martin, Laura Martin, Lottie Martin, Nellie Brown, [illegible] Brown, Moses Brown, Minnie Brown, William Brown, Richard Brown, Barnett Tucker, Clem Martin, Emma Bean, Henriette Bean, George Tucker, Floyd Tucker, Sarah [illegible] Tucker, Lydia Carter, Allie Maltre, Etta Taylor, Robert Harper and Jordan Harper should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 493), and it is so ordered; and it is further ordered by this Commission that the applications for the enrollment of George Johnson, Eliza Grooms and Minnie Grooms, as Cherokee Freedmen, be, and the same are, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby, Chairman.

(signed) T. B. Needles, Commissioner.

(signed) _____ Commissioner.

(signed) W. W. Stanley, Commissioner.

Muskogee, Indian Territory,

this Sept 3-1903.

Tiff 305

IN RE
THE DEATH OF

Jordon Harper
a citizen of the

Cherokee Nation.

Approved July 27 1901
C. R. Breckinridge
Commissioner

JR

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jordan Harper (Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Coffeyville (Here insert name of post office) Kas, ~~Ind. Ter.~~, and died on the 24 day of

December, 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Robert Harper, on oath state that I am 30 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Coffeyville (Here insert name of post office) Ks. Ind. Ter.; that I am brother (State relationship as: the father; an uncle; a cousin, etc.) of Jordan Harper (Here insert name of deceased), who was a citizen, by adoption, of the Cherokee Nation; and that said Jordan Harper (Here insert name of deceased) died on the 24 day of December, 1901

Robert Harper.

WITNESSES TO MARK: (Must be Two Witnesses)

Subscribed and sworn to before me this 23 day of July, 1904

Daniel Foreman

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Lydia Carter, on oath state that I am 52 years of age, and a citizen, by adoption, of the Cherokee Nation; that my post office address is Coffeyville (Here insert name of post office) Ks Ind. Ter.; that I was personally acquainted with Jordan Harper (Here insert name of deceased) who was a citizen by adoption, of the Cherokee Nation; and that said Jordan Harper (Here insert name of deceased) died on the 24 day of December, 1901

her
Lydia x Carter
mark

WITNESSES TO MARK: (Must be Two Witnesses) R Palmer, J H Smith

Subscribed and sworn to before me this 23 day of July 1904

Daniel Foreman

Notary Public.

DEPARTMENT OF THE INTERIOR.
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 15, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JORDAN HARPER as a Cherokee freedman.

LYDIA CARTER, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Lydia Carter.
Q How old are you? A As near as I can remember I am up in 50.
Q What is your post office? A Coffeyville, Kansas.
Q Are you a Cherokee freedman? A Yes sir.
Q Are you the mother of Jordan Harper, deceased? A Yes sir.
Q Do you know when Jordan Harper died? A I aint going to say for I don't remember the right time.
Q Where did he make application to be enrolled? A At Chelsea.
Q How long after that before he died to your best knowledge? A I couldn't tell you for sure.
Q Wasit a month? A I couldn't tell you.
Q Was it two months? A He was sick, I was in trouble about him and I never kept any record about it.
Q Was it ten years? A I wish it had been ten years.
Q Was it five years? A I couldn't tell you, I wish it had been five years.
Q Was it one year? A I couldn't tell you.
Q Didn't you state to me a few minutes ago, not under oath, that to your best recollection that it was something under a year after he met the Commission at Chelsea? A It might have been that.
Q Did you make that statement to me a minute ago? A I don't know whether I did or not.
Q Do you think that is correct, that it was something under a year after he met the Commission at Chelsea? A I don't know.
Q Now tell me what you think about this matter, was it under a year or over a year after he met the Commission at Chelsea before he died? A It wasn't under a year.
Q Did you state to me just a few minutes ago that it was under a year? A I don't think I did.
Q You say you didn't make that statement to me, I ask you if you made the statement to me about two minutes ago to your best recollection your son died about a year or little under a year after he met the Commission at Chelsea? A I said it might have been longer, I don't know.
Q Did you say that, that is what I asked you? A If you say I did it, I guess I must have said it.
Q Do you deny that you did say it? A No sir, I don't deny it.
Q Do you say you did say it, did you make the stat ement to me that he died something under a year after he met the Commission at Chelsea, that he was sick when he went before the Commission at Chelsea and was sick about nine months? A He was sick before he went there but during the nine months he got better and worked in the coal mines.
Q About how long after he met the Commission was it before he died?
A It might have been a year or a little over a year.
Q Do you think it could have been as long as two years? A I don't think it could be two years.

Q Do you think it was longer or less than a year? A I don't think it was less than a year.
Q What season of the year did he die? A In the winter.
Q What time in winter? A Just before Christmas.
Q Was that the first Christmas after he had met the Commission at Chelsea? A I don't think it was.
Q How long after your son met the Commission at Chelsea was it until he died to your best knowledge? A I am satisfied it was over a year.
Q You think your statement that you made to me before you were put under oath that it was less than a year is incorrect now. You say now he died more than a year? A I say it couldn't have been no less than a year.
Q You think then that if you told me that he died less than a year, you are mistaken? A Yes, if he died less than a year I was mistaken.
Q Did you get a coffin? A Yes sir.
Q Who did you buy it from? A From a man at Hartshorn, Indian Territory, Choctaw Nation. I didn't live there when he died.
Q How long after he enrolled before he went to work in the coal mines? A I can't answer that question.
Q Was it a year? A No sir.
Q Was it a month? A I stayed up home, I didn't go back. home with him.
Q Where did he live? A Down in the Choctaw Nation.
Q When he came to enroll he came from the Choctaw Nation? A Yes sir, all ofus.
Q Then he went back to the Choctaw Nation? A Yes sir, me too.
Q After he enrolled how long did you stay down there with him?
A I stayed down there two years after he enrolled.
Q With him, how long did you stay? A With him until he died.
Q You went to Chelsea and enrolled with him and then you went back to the Choctaw Nation with him? A Yes sir.
Q How long did you stay down there with him? A I stayed there, I don't know it was before he died.
Q Did you stay there until he died? A Yes sir.
Q Were you there when he died? A Yes sir.
Q You were in Hartshorn when he died? A No sir, at Dowe.
Q You don't know the name of the man you got the coffin from?
A No sir.
Q Was he buried at Hartshorn? A Yes sir.
Q Was it a hardware store or regular coffin store? A I didn't go over there, I lived three miles from there.
Q Who bought the coffin? A My uncle bought it.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 16th day of August, 1905.

Myron A. Wite.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
AUG 17 1905

Commissioner

Cherokee Freedmen 1305

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., JULY 12, 1906.

In the matter of the application for the enrollment as a Cherokee freedman of Jordan Harper.

APPEARANCES: For applicant, no appearance.
For Cherokee Nation, W. W. Hastings.

ON BEHALF OF COMMISSIONER:

The records of this office show that the hearing in the Cherokee freedman case of Jordan Harper was, by agreement between the attorneys for Applicant and the Cherokee Nation, continued from June 21, 1906, to this date, July 12, 1906, at which time the Cherokee Nation announces that it has no testimony to introduce, and the applicant failing to appear either in person or by attorney, this case will be closed and a decision rendered on the testimony heretofore introduced.

The undersigned, being first duly swor n, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the proceedings had in the above entitled cause and that the above and foregoing is a full true and correct transcript of her stenographic notes thereof.

Lucy M Brannan

Subscribed and sworn to before me this 15th day of October , 1906

B P Ramsey
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
JUNE 21, 1906. Muskogee, I. T.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JORDAN HARPER as a Cherokee freedman.

APPEARANCES:
For Applicant, W. T. Hutchings.
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

THOMAS MIMS, being first duly sworn, testified as follows:

BY MR. HUTCHINGS:
Q What is your name? A Thomas Mims.
Q What is your post office address? A Dow, I. T.
Q How old are you? A 44 last January.
Q Did you know Jordan Harper in his life time? A Yes sir.
Q Where did he reside at the time of his death? A Dow.
Q How long had you known him? A I have been knowing him I guess about 10 years before he died.
Q Did you know the date of his death? A Yes sir.
Q What day did he die? A December 24, 1902.
Q What did you have to do with his burial if anything? A His step-father got me to go after his coffin Christmas morning on the 25th, and after that I carried the corpse to the graveyard.
Q You were present and assisted at the burial? A Yes sir.
Q What impresses it on your mind that he died on the 24th, if anything? A I was there soon after he died, I was living next house to him.
Q He was buried on Christmas day? A Yes sir.

BY MR. HASTINGS:
Q From whom did you get the coffin? A Mathews.
Q What is his first name? A I forgot his first name, but it was Mathews, I forgot the first part of his name, he lives at Hartshorne.
Q He lives there now? A Yes sir, been living there all the time.
Q Was he there when you got the coffin? A Yes sir.
Q How far is that from Dow? A About a mile and three quarters from Dow east.
Q How long had Jordan Harper been sick? A He had been sick I think about 3 or 4 months.
Q What was the matter with him? A I couldn't say.
Q Consumption, fever, or what did you hear? A Different doctors say different except they stated he had the fever.
Q What Doctor attended on him? A Dr. Harlock was one of the doctors.
Q Do you know any others? A No sir, I don't.
Q Does he live at Dow? A Yes sir.
Q Is he a white man or colored man? A White man.
Q Have you any memorandum in your possession that you are testifying from? A No sir.
Q You are just testifying from your independent recollection?
A Yes sir.

Q How many years ago last Christmas was it? A From the time he died.
Q Yes? A He died in 1902.
Q How many years ago was it last Christmas? A Four years aint it.
Q Four years last Christmas? A Yes sir, ~~in~~ that is the way I figure it.
Q That is your best judgment? A He died in 1902, I never counted it up.
Q I was asking you how many years ago it was last Christmas, and now is it your best judgment that this fellow died four years ago last Christmas? A Yes sir.
Q About how old was he? A I haven't any idea of his age.
Q Was he married? A No sir.
Q What was his father's name? A Harper, I don't know what is given name was, but Charles Carter was his step-father.
Q Who was Robert Harper? A His brother.
Q Was he there when he died? A I don't know about whether he was or not.
Q He lives there? A Yes sir, at that time I am satisified.
Q You have no reason to believe but what he was there in attendance?
A Yes sir.
Q And perhaps attended the funeral? A Yes sir.
Q You didn't make any inquiries of Dr. Carlock as to what his books show as to the date of the death of this fellow? A No sir.
Q Are you related in any way to these people? A No sir, none at all.
Q What other witnesses are there with you? A W. S. Webber.
Q Where does he live? A In Hartshorne.
Q At whose instance did you come here? A I come in to state the truth about the boy's death.
Q How did you happen to come? A Charley Carter, he come and asked me to come.
Q Who is he? A This boy's step-father.
Q Is he here? A Yes sir.
Q Has he ever testified in the case? A I don't know w ether he has or not.
Q Do you have anything to do with buying the land? A No sir, nothing at all.
Q He was buried on Christmas day then? A Yes sir, 1902, he died the 24th day and Christmas was on the 25th. I went after the coffin and took him to the burial place.
Q But you never made any memorandum or record what year? A No sir, but I just know it.
Q Your best judgment was 4 years ago last Christmas? A Yes sir, that is correct.
Q It will be 5 years this coming Christmas? A Yes sir.
Q Have you lived there ever since? A Yes sir.
Q You were a neighbor? A Yes sir, his folks don't live there now.
Q How far did you live from him when he died? A In the next house, I guess about 50 feet.
Q Then you have had nothing to refresh your memory except your independent recollection? A That is all.
Q You say, I believe that you are not in any way related neither by marriage? A No sir, not related at all.

ON BEHALF OF THE COMMISSIONER:
Q Do you know the name of the father of this Jordan Harper about whom you are testifying? A No sir, never seen his father.
Q Do you know his mother? A Yes sir, mother is named Lydia Carter.
Q What nationality is Jorday Harper? A Colored is all I know.
Q Do you know whether he was an applicant for enrollment as a Cherokee freedman? A No sir, I never inquired into it at all.

BY MR. HUTCHINGS:
Q Can you read and write? A Yes sir.
Q Can you subtract? A No sir, not very good.
Q What means do you have other than your recollection that it was in 1902 that he died? A Well I have always kept that in my mind, and simply because it was on a Christmas day, I was invited out and on the Christmas day I was attending the funeral and had to miss.
Q And you missed being out because you had to attend the funeral?
A Yes sir.
Q That impresses it on your mind that it was Christmas 1902? A Yes sir.

BY MR. HASTINGS:
Q You went to blow outs other Christmast? A Yes sir, but I missed that one.
Q In other words you missed the Christmas he died, whenever it was? A Yes sir.

W I T N E S S E X C U S E D .

WILLIAM S. WEBBER, being first duly sworn, testified as follows:

BY MR. HUTCHINGS:
Q State your name? A William S. Webber.
Q How old are you? A 43.
Q What is your post office address? A Some of my mail comes to Hartshorne and some to Haileyville.
Q Did you know Jordan Harper in his life time? A Yes sir.
Q Where did he die? A Dow, Indian Territory.
Q At whose home was he? A His mother and step-father.
Q What is his step-father's name? A Charlie Carter.
Q Did you know his mother's name? A Lydia Carter.
Q That was at Dow? A Yes sir.
Q How close did you live to their place prior to his death? A At that time I lived 3 miles, I was at Hartshorne and he was at Dow.
Q Are you related to either Jordan Harper or his step-father? A No sir.
Q Have you got any interest in any way in getting him on the roll?
A No sir.
Q Are you interested in any way in purchasing any land that might be allotted to him? A No sir.
Q What relation or connection did you have with his death and burial? A Nothing only I attended the funeral, that is all.
Q Can you say what day he was buried on? A It was the 25th of December, I don't know what day of the week.
Q What year was it? A It was 1902.
Q Have you got any means of telling why that is impressed upon your mind that it wasn't 1901 or 1903 instead of 1902? A Only this, I knew that it was near Christmas time and we had invited their people to be with us on Christmas, and at that time his step-father came instead of his mother and said Jordan was dead, that is the only means I know that was the time.
Q As to the year as to its being 1902? A That is the time as near as I can think of it.

BY MR. HASTINGS:
Q Can you read and write? A Yes sir, a little.
Q How old are you? A 43.
Q What year were you born? A '63, will be 43 my birth day.

Q You have no written memorandum or anything in your pocket that shows you the day this boy died? A No sir.
Q You are just testifying from your own in ependent recollection?
A Yes sir, from my own knowledge.
Q You haven't looked up any record anywhere to refresh your memory about it? A No sir.
Q When did you know you were going to testify about it? A Yesterday evening.
Q Who asked you to come? A His step-father.
Q You say you get your mail now at Haileyville? A Yes sir.
Q You live in between Haileyville and Hartshorne? A Yes sir.
Q How long have you lived there? A 15 years, in that vicinity.
Q In Haileyville? A Three years.
Q What time of the year did you move there? A I moved there on the 17th of February, 1903.
Q And you have been there three years ago last February? A Yes sir.
Q Where were you living when this Jordan Harper died? A Hartshorne.
Q Living right in the town? A Yes sir.
Q Do you know whether that was four or five years ago last Christmas? A Well it was about four.
Q Four years last Christmas? A Yes sir,
Q Is that your best judgment? A Well it was from 1902.
Q I am asking you from last Christmas? A It will be four I think this Christmas.
Q I say how many years ago from last Christmas was it? A Three.
Q How long did you continue to live in that neighborhood before you moved to Haileyville? A From that time one year.
Q You lived there a year and then until February? A Yes sir.
Q And then you moved over to Haileyville? A Yes sir.
Q Now that is your judgment now is it? A Yes sir.
Q Did you live right in that town? A Yes sir.
Q And you continue to live there a year and then about a month up until the 17th of February, and then you moved over to Haileyville? A You mean I lived in Hartshorne a year?
Q Yes, after the death of this boy Jordan Harper? A No sir, I didn't live there a year.
Q How long did you live there? A I lived there from the time of his death, the 25th, from the time he was buried up until the 17th of the following February, 1903.
Q But you say you have got no record or nothing that you refresh your memory? A No sir, not concerning his death at all.
Q Do you know Robert Harper? A Yes sir.
Q Is he a brother? A Yes sir.
Q Was he there at the time he died? A I don't think he was, I am not certain.
Q Why don't you think he was? A I don't remember of seeing him, I think he was up in the Cherokee Nation, I am not sure.
Q Did you know his mother Lydia? A Yes sir.
Q Was she there? A Yes sir.
Q She knows when he died, don't she? A Yes sir, I suppose she does.
Q Do you know what doctor waited on him? A No sir, I don't. We have several country doctors, I don't know whether it was Dr. Carlock or Dr. Bonds.
Q Is it Dr. Carlile or Carlock? A It is Carlock.
Q Do you know what his given name is? A No sir.

ON BEHALF OF THE COMMISSIONER.

Q What is the post office address of the mother of Jordan Harper?
A I really don't know, I think Coffeyville.
Q Kansas? A Yes sir.
Q She and Charlie Carter living together? A Yes Sir, I think so, I haven't seen them for ---
Q Where does Charlie Carter live? A I think he lives up there, I haven't seen him for two or three years.
Q What is the name of the mother of Jordan Harper? A Lydia Carter.

W I T N E S S E X C U S E D .

By agreement between attorneys for applicant and Cherokee Nation, this case continued until July 12, 1906, at nine o clock A. M.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 3rd day of July, 1906.

B. P. Ramos
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Gaines et al, for enrollment as Cherokee Freedmen, consolidating the applications of

Eliza Gaines----------Cherokee Freedmen D 220,
Jane Webb----------Cherokee Freedmen D 221,
Mary Mabry et al.----------Cherokee Freedmen D 222,
Berry Thompson et al.----------Cherokee Freedmen D 223,
Julia Nash----------Cherokee Freedmen D 224,
Georgia Jones et al.----------Cherokee Freedmen D 225,
John H. Nash et al.----------Cherokee Freedmen D 226,
Malinda Johnson et al.----------Cherokee Freedmen D 227,
Eliza Grooms et al.----------Cherokee Freedmen D 228,
Berry Nash----------Cherokee Freedmen D 229,
Edward Nash----------Cherokee Freedmen D 230,
Carrie Harris et al.----------Cherokee Freedmen D 231,
Ella Humes----------Cherokee Freedmen D 232,
Aaron Martin----------Cherokee Freedmen D 235,
Michael Martin----------Cherokee Freedmen D 236,
George Martin et al.----------Cherokee Freedmen D 237,
Joshua Martin----------Cherokee Freedmen D 238,
Edward Brown et al.----------Cherokee Freedmen D 247,
~~Lydia Carter----------Cherokee Freedmen D 307,~~
Allie McElroy et al.----------Cherokee Freedmen D 717,
Robert Harper----------Cherokee Freedmen D 718,
Jordon Harper----------Cherokee Freedmen D 721.

D E C I S I O N

The record herein shows that applications were made to this Commission for enrollment, as Cherokee Freedmen, by Eliza Gaines, for herself; by Jane Webb, for herself; by Eliza Gaines, for her daughter, Mary Mabry; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Frank Mabry; by Berry Thompson, for himself and minor children, Elmer, Lee and Morrison Thompson; by Julia Nash, for herself; by Georgia Jones, for herself and minor children, John H., Ellen, Charlie, Susie, Walter, Rexie, McKinley and Centralia Jones; by John H. Nash, for himself and minor children, Allie, Jesse H., Ollie and Lucy Nash; by Malinda Johnson, for herself and minor children, Lottie, Lizzie, Belle, Eva, Annie,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Gaines et al, for enrollment as Cherokee Freedmen, consolidating the applications of

Eliza Gaines----------Cherokee Freedmen D 220,
Jane Webb----------Cherokee Freedmen D 221,
Mary Mabry et al.----------Cherokee Freedmen D 222,
Berry Thompson et al.----------Cherokee Freedmen D 223,
Julia Nash----------Cherokee Freedmen D 224,
Georgia Jones et al.----------Cherokee Freedmen D 225,
John H. Nash et al.----------Cherokee Freedmen D 226,
Malinda Johnson et al.----------Cherokee Freedmen D 227,
Eliza Greems et al.----------Cherokee Freedmen D 228,
Berry Nash----------Cherokee Freedmen D 229,
Edward Nash----------Cherokee Freedmen D 230,
Carrie Harris et al.----------Cherokee Freedmen D 231,
Ella Humes----------Cherokee Freedmen D 232,
Aaron Martin----------Cherokee Freedmen D 235,
Michael Martin----------Cherokee Freedmen D 236,
George Martin et al.----------Cherokee Freedmen D 237,
Joshua Martin----------Cherokee Freedmen D 238,
Edward Brown et al.----------Cherokee Freedmen D 247,
Israel Martin et al.----------Cherokee Freedmen D 307,
Nellie Brown et al.----------Cherokee Freedmen D 319,
Harriett Tucker et al.----------Cherokee Freedmen D 697,
Lydia Carter----------Cherokee Freedmen D 716,
Allie McElroy et al.----------Cherokee Freedmen D 717,
Robert Harper----------Cherokee Freedmen D 718,
Jordon Harper----------Cherokee Freedmen D 721.

D E C I S I O N

The record herein shows that applications were made to this Commission for enrollment, as Cherokee Freedmen, by Eliza Gaines, for herself; by Jane Webb, for herself; by Eliza Gaines, for her daughter, Mary Mabry; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Frank Mabry; by Berry Thompson, for himself and minor children, Elmer, Leo and Morrison Thompson; by Julia Nash, for herself; by Georgia Jones, for herself and minor children, John H., Ellen, Charlie, Susie, Walter, Rexie, McKinley and Centralia Jones; by John H. Nash, for himself and minor children, Allie, Jesse H., Ollie and Lucy Nash; by Malinda Johnson, for herself and minor children, Lottie, Lizzie, Belle, Eva, Annie,

Peter McKinley, Reuben and Lewis Johnson; that, subsequent to the date of the original application, birth affidavits, which are made a part of the record herein, were filed with the Commission showing the birth of George and Julia Johnson; by Eliza Grooms, for herself and minor children, Martha, Dona, Peter W., Leuretha and Ennis Grooms; by Berry Nash, for himself; by Edward Nash, for himself; by Carrie Harris, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Delilah Harris; by Ella Humes, for herself; by Aaron Martin, for himself and others (said other parties being differently classified and not embraced in this decision); by Michael Martin, for himself; by George Martin, for himself, his wife, Alice, and minor children, Martha, Clifton, Ethel and Jane Martin; by Joshua Martin, for himself; by Edward Brown, for himself and minor children, Henry and Stella Brown; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Laura Brown; by Israel Martin, for himself, his wife, Lizzie, and minor children, Maggie, Louis, Laura and Lottie Martin; by Nellie Brown, for herself and minor children, Roxie, Moses, Jennie, William and Michael Brown; by Harriett Tucker, for herself and minor children, Clem Martin, Emma Bean, Henrietta Bean, George Tucker and Floyd Tucker; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Sarah M. Tucker; by Lydia Carter, for herself; by Allie McElroy, for herself and minor child, Etta Taylor; by Robert Harper, for himself; and by Jordon Harper, for himself.

The evidence shows that Eliza Gaines, Jane Webb, Berry Thompson, Lydia Carter, Aaron Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones are the principal applicants herein, and that all the other applicants in these several cases have been born since 1866 and, with the exception of Ella Humes and Alice Martin, are descendants of some of said principal applicants and claim right to enrollment through them; that all of said principal applicants were slaves of Cherokee citizens at the commencement of the rebellion and left the Cherokee Nation during said rebellion, but returned thereto in 1866.

The evidence further shows that Ella Humes is the daughter of Rosa Mango, sister of Eliza Gaines, one of said principal applicants, and claims right to enrollment through her; that the said Rosa Mango was the slave of a Cherokee citizen at the commencement of the rebellion and was residing in the Cherokee Nation on July 19, 1866.

The said Alice Martin is duly identified on the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

All of the applicants herein have resided in the Cherokee Nation since 1866, or from date of birth where born since the year 1866, up to and including the date of the application herein, excepting occasional trips of a temporary nature outside of the territory; that all of said applicants were residing in said Cherokee Nation on June 28, 1898.

It appears from affidavits, made a part of the record herein, that the applicant, George Johnson, died in January, 1902; that the applicant, Eliza Grooms, died in October, 1901; and that the applicant, Ennis Grooms, died in August, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that Eliza Haines, Jane Webb, Mary Mabry, Frank Mabry, Berry Thompson, Elmer Thompson, Leo Thompson, Morrison Thompson, Julia Nash, Georgia Jones, John H. Jones, Ellen Jones, Charlie Jones, Susie Jones, Walter Jones, Roxie Jones, McKinley Jones, Centralia Jones, John H. Nash, Allie Nash, Jesse H. Nash, Ollie Nash, Lucy Nash, Malissia Johnson, Lottie Johnson, Lizzie Johnson, Belle Johnson, Eva Johnson, Annie Johnson, Peter McKinley Johnson, Reuben Johnson, Lewis Johnson, Julia Johnson, Martha Grooms, Dona Grooms, Peter W. Grooms, Leuretha Grooms, Berry Nash, Edward Nash, Carrie Harris, Delilah Harris, Ella Hughes, Aaron Martin, Michael Martin, George Martin, Alice Martin, Martha Martin, Clifton Martin, Ethel Martin, Jane Martin, Joshua Martin, Edward Brown, Henry Brown, Stella Brown, Laura Brown, Israel Martin, Lizzie Martin, Maggie Martin, Louis Martin, Laura Martin, Lottie Martin, Nellie Brown, Roxie Brown, Moses Brown, Jennie Brown, William Brown, Michael Brown, Harriett Tucker, Clem Martin, Emma Bean, Henrietta Bean, George Tucker, Floyd Tucker, Sarah M. Tucker, Lydia Carter, Allie McElroy, Etta Taylor, Robert Harper and Jordon Harper should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered by this Commission that the applications for the enrollment of George Johnson, Eliza Grooms and Ennis Grooms, as Cherokee Freedmen, be, and the same are hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this SEP 5 - 1901

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jordan Harper,
Coffeyville, Kans.,
Cherokee-F-D-721.
Objector.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee P. 0.
et al.

Muskogee, Indian Territory, September 8, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 8, 1905, granting the applications for the enrollment of Eliza Gaines, Jane Webb, Mary and Frank Mabry, Berry, Elmer, Lee and Morrison Thompson, Julia Nash, Georgia, John H., Ellen, Charlie, Susie, Walter, Roxie, McKinley and Centralia Jones, John H., Allie, Jessie H., Willie and Lucy Nash, Malinda, Lottie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben, Lewis and Julia Johnson, Martha, Dona, Peter W. and Lauretha Greene, Berry and Edward Nash, Carrie and Delilah Harris, Ella Hunter, Aaron, Michael, George, Alice, Martha, Clifton, Ethel, Jane and Joshua Martin, Edward, Henry, Stella and Laura Brown, Israel, Lizzie, Maggie, Lewis, Laura and Lottie Martin, Nellie, Roxie, Moses, Jennie, William and Michael Brown, Harriet Tucker, Clem Martin, Emma and Harriette Nash, George, Floyd and Sarah M.

Tucker, Lydia Carter, Allie McElroy, Etta Taylor and Robert and Jordan Harper as Cherokee freedmen, and dismissing the applications for the enrollment of George Johnson and Eliza and Ennis Grooms as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. D-6

COPY.

Cherokee Freedm
D 220, et al.

Muskogee, Indian Territory, September 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Eliza Gaines et al., involving the Commission's decision, dated September 5th, 1903, granting the applications for the enrollment of Eliza Gaines, John Webb, Mary Embry, Frank Embry, Perry Thompson, Elmer Thompson, Lee Thompson, Morrison Thompson, Julia Nash, Georgia Jones, John H. Jones, Elbon Jones, Charlie Jones, Bessie Jones, Walter Jones, Lonie Jones, McKinley Jones, Centralia Jones, John T. Nash, Allie Nash, Jesse M. Nash, Ollie Nash, Lucy Nash, Malinda Johnson, Lottie Johnson, Linnie Johnson, Belle Johnson, Eva Johnson, Annie Johnson, Peter McKinley Johnson, Reuben Johnson, Lewis Johnson, Julia Johnson, Martin Greene, Dona Greene, Peter T. Greene, Demetrius Greene, Perry Nash, Edward Nash, Carrie Harris, Delilah Harris, Ella Russ, Aaron Martin, Michael Martin, George Martin, Alice Martin, Martha Martin, Clifton Martin, Ethel Martin, Jane Martin, Joshua Martin, Edward Bryan, Henry Brown, Stella Brown, Laura Bryan, Israel Martin, Linnie Martin, Jessie Martin, Louis Martin, Laura Martin, Lottie Martin, Nellie Brown, Rosie Brown, Moses Brown, Jennie Brown, Willies Brown,

Secretary of the Interior, No. 2.

[illegible] Harriett Tucker, Ella Martin, Rena Neal, Henrietta Dean, Jesse A Tucker, Floyd Tucker, Sarah M. Tucker, Lydia Carter, Billie Lindsey, Rita Tyler, Robert Warner and Jordan Harper as Cherokee Freedmen, and dismissing the applications for the enrollment of George Johnson, Ellen Greene and Emma Greene.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. [illegible],

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-68.

POOR ORIGINAL - BEST AVAILABLE COPY

COPY.

Creek Freedmen
2 MPD, et al.

Muskogee, Indian Territory, September 20, 1898.

Edgar Bullis,
Attorney for Miles Grimes, et al.,
Tishomingo, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20th 1898, granting, among others, the applications for the enrollment of Miles Grimes, Jane Tyner, Lucy and Frank Henry, Harry, Elmer, Ina and Lorenzo Thompson, Julia Ann, George, John T., Ellen, Cornelia, Susie, Walter, Annie, Whitney and Centralia Jones, John H., Allie, Jesse M., Ollie and Lucy Nash, Caleb, Lottie, Lewis, Julia, Ben, Annie, Peter Lee, Reuben, Lewis and Julia Johnson, Lewis, Ben, Peter T., and Lucretia Grayson, Harry and Edward Nash, Carrie and Delilah Harris, Ella Brown, Edward, Harry, Stella and Laura Brown, Lelia Carter and Jerian Harper as Choctaw Freedmen, and dismissing the applications for the enrollment of George Johnson, Ellen and Lucid Grayson. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Choctaw Nation protests against the action of the Commission in these cases, a copy of which protest has been furnished the principal attorney by the Attorney for the Nation.

POOR ORIGINAL -
BEST AVAILABLE COPY

[illegible] No. 2.

The Institute, with the record of proceedings had in [illegible] will duly be forwarded to the Secretary of the Interior for review. The action of the Secretary will be made known to you as soon as the Commissioner has been informed of his [illegible].

[illegible],

[illegible],

Commissioner to Navajo.

Inspector.
Res. 2-24.

Department of the Interior,
Commission to the Five Civilized Tribes.

Cherokee Freedmen
D-743.

Muskogee, Indian Territory, September 20, 1906

Jerome Harper,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 5, 1906, granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registered.
Enc. D-743

Cherokee Freedmen
D-721.

Muskogee, Indian Territory, April 12, 1904.

Jordan Harper,

Jeffersville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated September 8, 1903, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-[illegible], et al.

Muskogee, Indian Territory, April 16, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 8, 1903, in the consolidated case of Eliza Gaines et al., granting the applications for the enrollment of Eliza Gaines, Jane Webb, Mary and Frank Mabry, Berry, Elmer, Lee and Harrison Thompson, Julia Nash, Georgia, John H., Ellen, Charlie, Susie, Walter, Rexie, McKinley and Centralia Jones, John H., Allie, Jesse H., Ollie and Lucy Nash, Malinda, Lottie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben, Lewis and Julia Johnson, Martha, Dona, Peter W. and Lewretha Greene, Berry and Edward Nash, Carrie and Delilah Harris, Ella Humes, Aaron, Michael, George, Alice, Martha, Clifton, Ethel, Jane and Joshua Martin, Edward, Henry, Stella and Laura Brown, Israel, Lizzie, Maggie, Louis, Laura and Lottie Martin, Nellie, Rexie, Moses, Jennie, William and Michael Brown, Harriett, George, Floyd and Sarah M. Tucker, Glen Martin, Emma and Henrietta Bean, Lydia Carter, Allie McElroy, Etta Taylor, and Robert and Jordan Harper, as Cherokee freedmen, and dismissing the applications

for the enrollment of George Johnson and Eliza and Ennis Grooms as Cherokee freedmen, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-220 et al.

Edgar Smith,

Attorney for Eliza Gaines et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 8, 1903, in the consolidated case of Eliza Gaines et al., granting the applications for the enrollment of Eliza Gaines, Jane Webb, Mary and Frank Mabry, Berry, Elmer, Leo and Morrison Thompson, Julia Nash, Georgia, John H., Ellen, Charlie, Susie, Walter, Roxie, McKinley, and Centralia Jones, John H., Allie, Jesse H., Ollie and Lucy Nash, Malinda, Lettie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben, Lewis and Julia Johnson, Martha, Dena, Peter W. and Louretha Grooms, Berry and Edward Nash, Carrie and Delilah Harris, Ella Humes, Edward, Henry, Stella and Laura Brown, Lydia Carter and Jordon Harper, as Cherokee freedmen, and dismissing the applications for the enrollment of George Johnson and Eliza and Ennis Grooms as Cherokee freedmen, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,

Commissioner in Charge.

Refer to reply to the following:
L.A.D.
63877-1903

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 29, 1904.

The Honorable,
The Secretary of the Interior.

Sir:-

I have the honor to enclose herewith report from the Commission to the Five Civilized Tribes, dated September 3, 1903, transmitting the record relative to the application of Eliza Gaines and others for enrollment as Cherokee freedmen.

Eliza Gaines applied for the enrollment of herself. Jane Webb applied for the enrollment of herself. Eliza Gaines applied for the enrollment of her daughter, Mary Mabry and subsequently she applied for the enrollment of Frank Mabry, child of Mary Mabry, which child is properly identified by birth affidavit.

Barry Thompson applied for the enrollment of himself and his children, Elmer, Leo and Morrison Thompson.

Julia Nash applied for the enrollment of herself.

Georgia Jones applied for the enrollment of herself and her children, John M., Ellan, Charlie, Susie, Walter, Roxie, McKinley and Centralia Jones.

John Nash applied for the enrollment of himself and his minor children Allie, Jesse H., Ollie and Lucy Nash.

Malinda Johnson applied for the enrollment of herself and minor children, Lottie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben and Lewis Johnson, and subsequent to the date of her original application she applied for the enrollment of George and Julia

Johnson, her infant children who were born after the date of her original application. These minor children are properly identified by birth affidavits.

Eliza Grooms applied for the enrollment of herself and her children, Martha, Bonn, Peter, Laupetha and Ennis Grooms.

Berry Nash applied for the enrollment of himself, as well as did Edward Walsh and Carrie Harris. Carrie Harris subsequently applied for the enrollment of her minor child, Delilah Harris, who is properly identified by birth affidavit.

Mila Humes applied for the enrollment of herself, as also did Aaron Martin. Aaron Martin also applied for the enrollment of other parties, but the Commission in its decision says they are differently classed and are not therefore included in the decision.

Michael Martin applied for the enrollment of himself.

George Martin applied for the enrollment of his wife, Alice Martin and their minor children, Martha, Clifton, Ethel and Jane Martin.

Joshua Martin applied for the enrollment of himself.

Edward Brown applied for the enrollment of himself and his minor children, Henry and Stella Brown, and he subsequently applied for the enrollment of Laura Brown, his minor child born after the date of his original application. This minor is properly identified by birth affidavit.

Israel Martin applied for the enrollment of himself, his wife, Lizzie Martin and their children, Maggie, Louis, Laura and Lottie Martin.

Nellie Brown applied for the enrollment of herself and minor children Roxie, Moses, Jennie, William and Michael Brown.

Harriet Tucker applied for the enrollment of herself and minor children, Clem Martin, Emma Beau, Henrietta Bean, George and Floyd Tucker; subsequent to the date of her application she also applied for the enrollment of Sarah M. Tucker, a child born after the date of her original application, who, the Commission says is properly identified by birth affidavit and made a part of the record; the office has been unable to find the birth affidavit referred to and it is presumed that the Commission neglected to file it with the record in the case.

Lydia Carter applied for the enrollment of herself and Allie McElroy applied for the enrollment of herself and minor child Etta Taylor McElroy.

Robert Harper applied for the enrollment of himself.

Jordan Harper applied for the enrollment of himself.

September 5, 1903 the Commission held that all of the applicants above named except George Johnson, who died in January 1902, Eliza Grooms, who died in October 1901 and Dennis Grooms, who died in August 1902 were entitled to enrollment as Cherokee freedmen.

As to the parties last mentioned, their applications were dismissed by the Commission.

Eliza Gaines, Jane Webb, Berry Thompson, Lydia Carter, Adam Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones appear to be the principal applicants in this case. All of the other

Applicants were born since 1866 and are descendants of some of the principal applicants, except Ella Humes and Alice Martin.

All of the principal applicants, the record shows were slaves of citizens of the Cherokee Nation at the commencement of the rebellion; that they left the nation during the rebellion, but returned prior to the time limit fixed by the treaty of 1866; in fact, the record shows they returned during the year 1866.

Ella Humes is a daughter of Rosa L. Sango, who was a sister of [redacted], belonged at the commencement of the rebellion to Nancy Dameron, a citizen of the Cherokee Nation, and Alice Martin, wife of George Martin, the record shows is duly identified by the 1860 roll as "an adopted colored citizen."

Eliza Gaines belonged to John Stover and his wife, Charlotte Stover at the commencement of the late civil war. John Stover was not a citizen of the Cherokee Nation, but his wife was.

Jane Webb, Berry Thompson and Lydia Carter also belonged to Charlotte Stover.

Aaron Martin belonged to John Martin, a citizen of the Cherokee Nation.

Israel Martin is a son of Eliza Gaines. [redacted] and Georgia Jones are her daughters. John Nash is her son.

Malinda Jones, Eliza Grooms, Berry Nash, Edward Nash and Carrie Nash are also her children.

Michael and George Martin are sons of Aaron Martin, as is also Joshua Martin.

Edward Brown is a son of Jane Webb, and Nellie Brown (nee

Martin) and Harriet Tucker are daughters of Aaron Martin.

Alice Martin, the wife of George Martin appears to be the daughter of Gesse Alberty and his wife, Jane Alberty. Her father was drowned in the Spring of 1876 and her mother died in 1878 or 1879. However, as above stated, she is identified by the 1880 Cherokee roll as "an adopted colored person."

The Cherokee Nation protests against the Commission's decision. From the record in this case it appears that the decision is correct and the office therefore recommends that it be approved and that all of the applicants be declared entitled to enrollment as Cherokee freedmen except George Johnson, Eliza Grooms and Ennis Grooms, who died before September 1, 1902.

Attention is invited to the Commission's statement concerning the birth affidavit relative to the identification of Sarah M. Tucker. The office has been unable to find this among the papers, but it is believed that the Commission's statement that such affidavit has been filed with it is sufficient to warrent the Department in holding that she is entitled to enrollment unless there be some good reason not known to this office why she should not be enrolled.

Very respectfully,

GAW/LM

5 enclosures.

(Signed) A. C. Tonner.

Acting Commissioner.

D C 10362-1904. COPY.

ITB 633-1904. DEPARTMENT OF THE INTERIOR, J.F.

L.R.E. WASHINGTON. THR.

April 4, 1904.

Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 29, 1904, the Acting Commissioner of Indian Affairs submitted the consolidated case involving the applications of Eliza Gaines and others for enrollment as Cherokee freedmen, and recommended that your decision in favor of the applicants, except George Johnson, Elisa Grooms and Ennis Grooms, whose applications were rejected, be concurred in.

The names of the persons held to be entitled to enrollment are given in your decision and in the letter of the Acting Commissioner, except in his letter there appears several errors. John Nash on page 1 should be John H. Nash; Edward Walsh on page 2 should be Edward Nash; Peter Grooms on the same page should be Peter W. Grooms and Etta Taylor McElroy on page 3 should be Etta Taylor.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

(Signed) Thos Ryan

1 inclosure. Acting Secretary.

COPY

Cherokee Dis.
1906.

Muskogee, Indian Territory, January 24, 1906.

Lydia Carter,

Coffeyville, Kansas.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of January 13, 1906, asking to be advised whether or not you will be permitted to make an allotment selection for your deceased son, William Harper.

In reply you are advised that the records of this Commission show that the said William Harper died on December 24, 1904. You are further advised that this Commission is engaged in making a roll of the citizens of the Cherokee Nation as of September 1, 1902, and that no person not living on that date is entitled to enrollment in said nation.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Cherokee
J 1906

Muskogee, Indian Territory, July 8, 1906.

W. T. Hutchings,
Attorney for Jordan Harper,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 1906, in the matter of the application for the enrollment of Jordan Harper, as a Cherokee freedman.

Respectfully,

Commissioner.

Incl. CL-3.
GHL

Cherokee
3 1906

Muskogee, Indian Territory, July 3, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 1906, in the matter of the application for the enrollment of Jordan Harper, as a Cherokee freedman.

Respectfully,

Commissioner.

Incl. GL-4.
CHL

Muskogee, Indian Territory, November 23,1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed by the attorney for the Cherokee Nation, June 25, 1906, "To review and reject" the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated case of Eliza Gaines et al. There are also enclosed an answer and a supplemental brief filed September 7, 1906, by attorneys for applicants, and the reply of the Cherokee Nation to said supplemental brief, filed September 26, 1906.

The decision of the Commission to the Five Civilized Tribes dated September 5, 1903, dismissing the applications for the enrollment of George Johnson, Eliza Grooms and Minnie Grooms, and granting the applications for the enrollment as Cherokee freedmen of the other applicants embraced in the Cherokee freedmen consolidated case of

Hilma Gaines et al, was affirmed by the Department April 4, 1904 (I.T.D. 836-1904). The names of all of the applicants in whose favor the decision was rendered, except the name of Jordon Harper, are included in a schedule of Cherokee freedmen approved by the Department December 26, 1904, opposite Numbers 3830 to 3867, inclusive. July 27, 1906, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the death of Jordon Harper on December 24, 1901, but supplemental proceedings had in reference to the date of his death tend to show that he died December 24, 1902. August 15, 1906, the Commissioner to the Five Civilized Tribes rendered his opinion holding that Aaron Martin, opposite Roll No. 3872, died prior to September 1, 1902, and the record of proceedings had in the case, together with the Commissioner's opinion, was forwarded to the Department on the same date, with the recommendation that the name of Aaron Martin be stricken from the roll of Cherokee freedmen.

The Attorney for the Cherokee Nation insists that as the principal applicants in this case were denied Cherokee freedman citizenship by the Cherokee commission on citizenship, on September 28, 1882, they are not entitled

to enrollment as citizens of the Cherokee Nation, in accordance with the Department's ruling in the Harry Still and John Morgan Cherokee freedmen cases.

The proceedings had before said commission on citizenship were made a part of the record in the case prior to the rendition of a decision therein. None of the applicants embraced in the case, except Alice Martin, Roll No. 3575, can be identified on the 1880 authenticated roll of citizens of the Cherokee Nation, and except her children, Martha, Clifton, Ethel and Jane Martin, Roll Numbers 3576 to 3579, inclusive, none of the applicants are descendants of persons whose names appear upon said roll?

The principal applicants claim that they were slaves of John Stover, a Cherokee by blood, at the breaking out of the war of the rebellion; that they left the Cherokee Nation during the progress of said war and that they returned to the Nation in the fall of 1866. They introduced on their behalf, the testimony of Charley Chambers and James Alberty.

Charley Chambers testified that he saw Eliza Gaines, the principal applicant, once or twice after the war, and that he first saw her at Fort Gibson, Indian

~~secretary~~

Territory, in the winter of 1865, which is prior to the time the principal applicants themselves claim that they returned to the Cherokee Nation.

James Alberty testified that he was the slave of a Cherokee citizen at the breaking out of the war of the rebellion, but the Commission to the Five Civilized Tribes, May 18, 1906, decided that he was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion, and the Commission's decision was concurred in by the Indian Office June 21, 1906, (Land 38833-1906) and affirmed by the Department August 8, 1906(I.T.D. 7878-1906). Testimony taken in various Cherokee freedmen cases in which James Alberty (commonly known as "Sheep Jim"), has testified, shows him to be entirely unworthy of belief. The following answer given by James Alberty to the question following, does not add any credit to his testimony. (Page 8 of original testimony in case of Eliza Caines taken May 8, 1901):

> "Q. What were you doing at Fort Gibson when you saw her (Eliza Caines) there?
> A. Nothing, just riding about getting drunk; that is all I done in them days; I had money and didn't work."

Secretary-6

The testimony introduced on behalf of the Cherokee Nation was for the purpose of impeaching the testimony of the principal applicants.

In an approved opinion of the Assistant Attorney General of October 5, 1905 (I T.D. 7858-1904), it was held that a judgment of the Cherokee Court-

> "is to be considered by the Commission as evidence of great cogency, to be followed unless it appear that fraud was practiced upon the court, or that the evidence then before the court, and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong."

The ruling here laid down was followed by the Department March 5, 1906 (I.T.D. 10716-1906), in the case of John Morgan, et al., on September 7, 1906 (I.T.D. 18372-1906), in the case of Amos Adair, and also in other cases.

In view of the unsatisfactory condition of the record, and of the Department's ruling in the Still case and others, which ruling is at variance with the view previously taken by the Department in similar cases, it is respectfully recommended that the Nation's motion as to all the applicants in whose favor the decision was rendered, except Alice Martin, Roll No. 3978, identified

Secretary-2

on the roll of 1880, and her children, Martha, Clifton, Ethel and James Martin, Roll Nos. 2078 to 2078, inclusive, be granted.

Prior to the filing of this motion to review applications by the selection of allotments of land in the Cherokee Nation for all of the applicants whose enrollment upon the partial roll of Cherokee freedmen had been approved by the Department, were made to the Commission to the Five Civilized Tribes, and allotment certificates, describing the land selected, mailed to the applicants. No deeds describing the land selected have been prepared.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. 2-40

Commissioner

COPY.

Land
104439-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the five civilized tribes, dated November 23, 1906, inclosing a motion filed by the attorney for the Cherokee Nation on June 28, 1906, "to review and reject" the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated case of Ellis Quinn, et al., together with an answer and supplemental brief filed September 7, 1906, by the attorneys for the applicants and a reply of the attorney for the Cherokee Nation to the supplemental brief filed with the Commissioner on September 24, 1906.

The decision of the Commission to the five civilized tribes dismissing the applications for the enrollment of George Johnson, Ellis Quinn, and James Smith, and granting the applications for enrollment as Cherokee freedmen of the other applicants embraced in the Cherokee freedmen consolidated case of Ellis Quinn, et al, was rendered on September 8, 1906, and was affirmed by the Department on April 4, 1904 (I.T.D. 834-1904). The names of all of the applicants in whose favor the decision was rendered, except the name of Jordan Harper, was included in the schedule of Cherokee

freedmen approved by the department september 26, 1906, opposite Nos. 2696 to 2697, inclusive, the name of Jordan Harper not being included for the reason that an affidavit was filed with the commissioner on July 27, 1904, showing that he had died on september 24, 1903. Subsequent proceedings, however, with reference to his death fail to show that the date of his death was prior to september 25, 1903. Alice Martin, whose name appeared opposite No. 2672, died prior to september 1, 1902, and his name was subsequently stricken from the roll of cherokee freedmen.

The motion and argument of the attorney for the cherokee Nation insists that as the principal applicant in this case was denied cherokee freedmen citizenship by the cherokee commission on citizenship on september 25, 1903, that they are not entitled to enrollment as citizens of the cherokee Nation, following the department's ruling in the Berry still and John Harper cherokee freedmen cases. The proceedings had before the cherokee commission were made a part of the record in this case prior to the rendition of a decision therein. It is shown that none of the applicants enrolled in this case, except Alice Martin, roll No. 2672, can be identified on the 1880 authenticated roll of citizens of the cherokee Nation, and except her children, Martha, Clifton, Ethel and June Martin, roll Nos. 2676 to 2679, inclusive, none of the applicants are descendants of persons whose names appear upon said roll.

The principal applicants claim that they were slaves of

John Glover, a Cherokee citizen, by blood, at the breaking out of the civil war; that they left the Cherokee Nation during the progress of the war and returned in the fall of 1866. The applicants introduced in their behalf the testimony of Charley Chambers and James Liberty. The testimony of the witnesses and of the applicants themselves is at variance, the testimony of Charley A. Chambers locating their exodus at very times, i.e., in the winter of 1865, while her own testimony shows that she returned in the fall of 1866. The testimony of James Liberty is contradicted by the records of the Commission to the five civilized tribes, he testifying that he was a slave of a Cherokee citizen at the breaking out of the war of the rebellion, while the Commission has decided in his case that he was not a slave of a Cherokee citizen, nor a free colored person residing in the Cherokee Nation at the commencement of the civil war. It appears that James Liberty has appeared as a witness in Cherokee freedmen cases numerous times, and that his evidence taken at different hearings is so contradictory as to show him to be entirely unworthy of belief.

It appears from the record in this case that these persons were admitted to citizenship by decision of the Commission to the five civilized tribes on September 8, 1903, and that an appeal was taken therein by the attorney for the Cherokee Nation and the Commission's decision was affirmed by the Department on April 4, 1904; that all of the applicants have heretofore selected their allotments and designated their homesteads. It is shown that

some and perhaps all of the adults have disposed of their surplus lands. Copies of the deed of Lizzie Johnson to the Local Investment Company of Vinita, I. T., the deed of Eliza Gaines to the same company, and two deeds from Ella Haines and her husband to the same company are exhibits in the argument filed by the attorneys for the applicants.

It is unfortunate in a case of this kind that the matter should have been delayed until a greater part of the allotments have passed out of the hands of the applicants and into the hands of third parties. The Commissioner, in view of the unsatisfactory condition of the record, recommends that the motion filed on behalf of the Nation as to all the applicants in whose favor the decision was rendered, except as to Alice Martin, roll No. 3575, and identified upon the roll of 1880, and her children, Martha, Clifton, Ethel, and Jane Martin, roll Nos. 3576 to 3579, inclusive, be granted. The Office concurs in the recommendation of the Commissioner to the Five Civilized Tribes that the motion, in so far as it requires the case to be re-opened, except as to Alice Martin, roll No. 3575, and Martha, Clifton, Ethel, and Jane Martin, roll Nos. 3576 to 3579, inclusive, be granted, and that the record be remanded to the Commissioner to the Five Civilized Tribes for re-adjudication.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

RWR-W

JMJr

DEPARTMENT OF THE INTERIOR, IAR
WASHINGTON.

I.T.D. 8868-1907.
D.C. 8763-1907.

February 12, 1907.

L R S

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On January 26, 1907 (Land 106488-1906), the Indian Office transmitted your report dated November 28, 1906, in the matter of a motion filed by the Cherokee Nation to review and reject the applications for the enrollment of those applicants embraced in the consolidated Cherokee freedman case of Eliza Gaines et al.

You recommended that the nation's motion as to all the applicants in whose favor the decision was rendered, except Alice Martin, whose name appears upon the roll of 1880, and her children, Martha, Clifton, Ethel, and James Martin, be granted, in view of the ruling of the Department in the Harry Still case.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

Your attention is called to that portion of section 2 of the act of April 26, 1906 (34 Stat., 137), providing for the closing of the rolls on or before March 4, 1907.

It being apparent that a rehearing could not be had in the

short time remaining for the closing of the rolls, said motion must be denied.

The papers in the cause have been sent to the Indian Office for its files.

Respectfully,

SIGNED Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Carbon copy and
2 inc. to Ind. Of.

Cherokee 2.
1300

COPY

Muskogee, Indian Territory, March 7, 1907.

Lydia Carter,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that a motion, filed by the Cherokee Nation, June 25, 1906, to review and reject the applications for the enrollment of your deceased son, Jordan Harper, and others, as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

Respectfully,

SIGNED Tams Bi...

Commissioner.

JMM

Cherokee V.
1308

Muskogee, Indian Territory, March 7, 1907.

W. T. Hutchings,

Attorney for Jordon Harper,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion, filed by the Cherokee Nation, June 26, 1906, to review and reject the applications for the enrollment of Jordon Harper and others, as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl,H-175
JMM

Commissioner.

Cherokee F
1221 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

Starr & Patton,

Attorneys for Elias Haines, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by the Cherokee Nation, June 26, 1906, to review and reject the applications for the enrollment of Elias Haines, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Encl.E-21
JME

Commissioner.

Cherokee F.
1281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

W. T. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion, filed by you June 25, 1906, to review and reject the applications for the enrollment of Elisa Gaines, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl. H-20
JPH

Muskogee, Indian Territory, March 13, 1907.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that the motion filed to review the following Cherokee freedmen enrollment cases was denied by the Secretary of the Interior February 17, 1907:

Eliza Gaines	Cherokee freedman 1281
Jane Webb	Cherokee freedman 1282
Mary and Frank Mabry	Cherokee freedmen 1283
Berry Thompson, et al.	Cherokee freedmen 1284
Julia Nash	Cherokee freedman 1285
Georgia Jones, et al.	Cherokee freedmen 1286
John H. Nash, et al.	Cherokee freedmen 1287
Malinda Johnson, et al.	Cherokee freedmen 1288
Martha Greems, et al.	Cherokee freedmen 1289
Berry Nash	Cherokee freedman 1290
Edward Nash	Cherokee freedman 1291
Carrie and Delilah Harris	Cherokee freedmen 1292
Ella Nunes	Cherokee freedman 1293
Aaron Martin	Cherokee freedman 1294
Michael Martin	Cherokee freedmen 1295
George Martin, et al.	Cherokee freedmen 1296
Joshua Martin	Cherokee freedman 1297
Edward Brown, et al.	Cherokee freedmen 1298

-2-

Israel Worthy, et ux
Hollis Wrenn, et ux
Emmett Turkey, et ux
Joseph Harper
Lizzie Wallace and Wife Taylor
Robert Harper
Jordan Harper

Respectfully,

Commissioner.

WLT

[illegible] 27157-1907.

DEPARTMENT OF THE INTERIOR,

I. T.
47948-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

May 28, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

On May 17, 1907, the Department denied motion to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application of Eliza Gaines, et al., for enrollment as Cherokee freedmen. You are requested to advise the interested parties of the action taken.

Very respectfully,

(Signed) C. F. Larrabee,

GAW-CE. Acting Commissioner.

COPY.

Muskogee, Indian Territory, June 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to call the attention of the Department to certain Creek and Cherokee enrollment cases, as follows:

On January 21, 1907, this office submitted to the Department a report in the matter of the application of Serena Bullocks and her three minor children for enrollment as Creek freedmen. In said report, wherein the facts in the case are fully set out, it was recommended that the enrollment of Serena Bullocks, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, as their names appear upon the final roll of Chickasaw freedmen opposite Nos. 1693, 1694, 1695 and 1700, respectively, be cancelled, and that they be enrolled as Creek freedmen, entitled to allotment in the Creek Nation.

With said report there was transmitted a decision containing two orders, one cancelling the names of said parties from the final roll of Chickasaw freedmen, and the other ordering them enrolled as Creek freedmen, and it was stated in said report that,

"To obviate the possibility that the department should approve the decision and that thereafter, either through lack of time or mistake, their names should not be placed upon a schedule of Creek freedmen to be approved by you prior to March 4, 1907, thus leaving the applicants without citizenship rights in either the Chickasaw or Creek Nation, I will also prepare and transmit under separate cover a schedule containing the names of said applicants, so that said schedule may, in the event that you affirm the decision herewith transmitted, be immediately approved."

On February 27, 1907 (I.T.D. 4732-1907), the department approved the findings in this office and granted authority for the cancellation of the names of Green Bullocks and her three minor children from the roll of Chickasaw freedmen and also approved the action of this office in holding that they were entitled to enrollment as Creek freedmen.

It now appears, however, that the fear expressed in the report of this office of January 21, 1907, that through an oversight the names of these persons might not be placed upon a schedule of Creek freedmen, was realized, and no schedule containing their names was approved by the Department.

This oversight appears to have been occasioned by reason of the fact that when the decision and report were signed by me the complete record, including the carbon copies, was, through error, forwarded to the Department and the usual practice of this office in returning the carbon copies to the enrollment division not having been complied with, the fact that this report and decision had been signed by me was overlooked and a roll schedule was not prepared and transmitted to the Department.

It appears from the records of this office that the name of John Ross, Jr. appears upon Cherokee freedman card, Field No. S-204. He is the son of John Ross, a Cherokee freedman, and Rhodia Ford, who was an applicant for enrollment as a Cherokee freedman, and finally denied as such by the Secretary of the Interior on April 24, 1904.

On October 3, 1906, the Commissioner to the Five Civilized Tribes rendered a decision holding that the said John Ross, Jr. was entitled to enrollment as a Cherokee freedman, which decision was forwarded to the Department and was approved by it on February 27, 1907 (I.T.D. 2852,4750-1907). It does not appear, however, that the name of the said John Ross, Jr. was placed upon a roll schedule of Cherokee freedmen prior to March 5, 1907. At the time the Department rendered its decision favorable to this applicant, no roll schedules were being prepared in this office, but under the practice then in force, such a schedule, containing the name of this applicant should have been prepared by this office prior to February 20, 1907, and transmitted to the Department for its approval in the event the decision of the Commissioner of October 3, 1906, was affirmed.

The names of John D. Lacey and his children, Myrtle L. Calvin, William D. Lacey, Shelley M. Lacey, Miles L. Lacey, Ezekiel M. Lacey, Jesse Franklin Lacey and Martha E. Lacey, and his minor

grand-child, Ella Colvin, appear upon Cherokee roll card, field No. D-340.

It appears from the records of this office that on October 19, 1906, the Commissioner rendered his decision holding that the persons above named were entitled to enrollment as citizens by blood of the Cherokee Nation, which decision was transmitted to the Department on December 19, 1906, and was approved by the Department on March 1, 1907 (I.T.D. 1076-1907).

The names of these persons, however, were not placed upon a roll schedule of citizens by blood of the Cherokee Nation on or prior to March 4, 1907.

It further appears from the records of this office that Jordan Harper was an applicant for enrollment as a freedman citizen of the Cherokee Nation, his name being listed on Cherokee freedman roll card, field No. 1305 and that on September 5, 1905, the Commission to the Five Civilized Tribes in the case of Eliza Haines, et al., held that said Jordan Harper should be enrolled as a Cherokee freedman. This decision was transmitted to the Department, where, on April 4, 1904 (I.T.D. 836-1904), it was affirmed by the Acting Secretary of the Interior.

After the rendition of this decision by the Commission, there was filed withthis office on July 27, 1904, the affidavits of Robert Harper and Lydia Carter to the effect that the said Jordan Harper died on the 24th day of December , 1901, and for the

reason that if this information was correct the name of the said Jordan Harper should not have been placed upon the final roll of Cherokee Freedmen no action was taken looking toward the scheduling of his name until the matter could be further investigated.

On July 25, 1906, there was filed with the commissioner to the Five Civilized Tribes, by the attorney for the Cherokee Nation, a motion "to review and reject" the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated case of Eliza Gaines, et al. This motion was transmitted to the Department on November 28, 1906. On February 12, 1907 (I.T.D. 1868-1907), this office was advised by the Department that said motion was denied.

Sometime after the filing of the affidavits relative to the death of the said Jordan Harper, and on July 21, 1906, a hearing was had before the Commissioner at which it developed that the date of death given in said affidavits was erroneous and that the said Jordan Harper had actually died sometime during the month of December, 1902. It would therefore appear that his name should have been placed upon a roll schedule of freedmen citizens of the Cherokee Nation for approval by the Secretary of the Interior on or prior to March 4, 1907.

It appears from the records of this office that on June

20, 1902, Emmett Emery appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Daniel Davis, his wife, Mary E. Davis, and their children, William Emery Davis and Lorenzo Newton Davis, as citizens of the Cherokee Nation, Mary E. Davis claiming as a citizen by intermarriage and the other persons named claiming as citizens by blood.

On December 27, 1905, the Commissioner rendered his decision in said case, rejecting the applications of Daniel Davis and William Emery Davis and granting the application for the enrollment of Lorenzo Newton Davis. The applicant, Mary E. Davis, claiming by reason of her marriage to a claimant as a citizen by blood of the Cherokee Nation, her application was not passed upon at that time, but was subsequently denied by the decision of the Commissioner of January 10, 1907, which was affirmed by the Department on January 26, 1907.

On January 8, 1906, the attorney for the Cherokee Nation filed his protest in said case against that part of the Commissioner's decision granting the right of enrollment to Lorenzo Newton Davis, and on January 13, 1906, the decision in said case, together with the protest of the attorney for the Cherokee Nation, was transmitted to the Department and in the letter of transmittal the Commissioner called attention to the ruling of the Department established in the approved opinion of the Assistant Attorney General of December 28, 1905 (I.T.D. 1321a-1905), in connection with the Cherokee enrollment case of Mary L. Strick-

land, et al., and on account of said ruling recommended that the decision of this office of December 27, 1905, in so far as it granted the right of enrollment to the said Lorenzo Newton Davis, be reversed and that the application for his enrollment as a citizen of the Cherokee Nation be denied.

On February 15, 1907 (I.T.D. 2226-06 and 2122-1907), the Department rendered its decision, in whichit held that the decision of the Commissioner of December 27, 1906, should be affirmed and that the said Lorenzo Newton Davis was entitled to be enrolled. This office was advised of such action on the part of the Department and on February 19, 1907, the attention of the Department was called by telegram to the apparent conflict in the opinion in the Lorenzo Newton Davis case and the opinions of the Department in the Mary L.Strickland and Hubert Henry cases.

On February 28, 1907 (I.T.D. 18218-1905, 5462, 2138-1907), the Department advised this office that they saw no conflict in said opinions; that Lorenzo Newton Davis should be enrolled and that the Robert and Hubert Henry case should be reversed.

In view of the fact that this office in January 1906, had recommended that Lorenzo Newton Davis should not be enrolled as a citizen of the Cherokee Nation, no schedule containing his name was prepared and forwarded to the Department, in accordance with the practice adopted by this office and approved by the Department, for completing the enrollment work. For that reason his name does not appear upon the final roll of citizens of the

Cherokee Nation, although it was adjudged by the Department that he is entitled to be so enrolled.

On June 30, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment, among others, of John W. Lawrence as a citizen by blood of the Cherokee Nation.

On January 7, 1907, the Commissioner to the Five Civilized Tribes rendered his decision holding that said applicant is entitled to such enrollment and granting the same. On the same day a protest against the enrollment of such person as a citizen by blood of the Cherokee Nation having been filed by the attorney for the Cherokee Nation, the decision of the Commissioner, together with the record in the case, was transmitted to the Department, where on February 28, 1907 (I.T.D. 5582-1907), said decision was affirmed. The name of the said John W. Lawrence was never placed upon a roll schedule of citizens by blood of the Cherokee Nation and formally approved by the Secretary of the Interior on or prior to March 4, 1907.

The attention of the Department is called to the above mentioned cases for the reason that the persons affected have all been adjudged by the Department to be entitled to enrollment, but their names do not appear at this time upon the final rolls, where they have been found entitled to be placed.

The Act of Congress approved April 26, 1906 (34 Stats., 137), provides in Section 2, in part, as follows:

"Provided, That the rolls of the tribes affected by this Act

shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Unless, therefore, the names of these persons are constructively on the final rolls of the tribe with which they have been adjudged entitled to be enrolled there is, under existing law, no way in which they can at this time be enrolled.

In regard to the case of Serena Bullocks and her three minor children first above referred to, they have been found entitled to be enrolled by the Commissioner to the Five Civilized Tribes and the Secretary of the Interior under the provisions of the Acts of Congressapproved June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861).

The first mentioned act, in regard to the enrollment of Creek freedmen, provides as follows:

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

Said Act further provides that,

"The rolls so made, when approved by the Secretary of the of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes of which they represent."

By Section 28 of the Act of Congress Approved March 1,

1901, above referred to, it is further provided that the rolls of Creek citizens shall be made in compliance with the provisions of the Act of June 28, 1898, and that,

> "The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons."

The other persons mentioned have been found by the Commission or Commissioner to the Five Civilized Tribes and the Secretary of the Interior to be entitled to enrollment as citizens or freedmen of the Cherokee Nation.

It is provided by Section 21 of the Act of Congress approved June 28, 1898, supra:

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceeding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the court of Claims rendered the third day of February, eighteen hundred and ninety-six.

The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons."

By Section 29 of the Act of Congress approved July 1, 1902 (32 Stats., 716), it is provided:

"For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe upon which allotment of land and distribution of other tribal property shall be made. When there shall have been substituted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the Principal Chief of the Cherokee Nation and one to remain with the Commission to the Five Civilized Tribes."

It will be noted that in these provisions of law relative to the preparation of the rolls of citizens and freedmen of the Creek and Cherokee nations it is nowhere provided explicitly in what manner the rolls shall be made. It does provide that the rolls shall be prepared by the Commission to the Five Civilized Tribes, and that when the enrollment of any person is approved by the Secretary of the Interior his enrollment becomes complete.

For the purpose of enrollment the Commission, with the approval of the Department, adopted a certain system of procedure which has been followed during all of the enrollment work under the laws above referred to. There have been prepared sheets or schedules upon which have been listed the names of all persons found entitled to enrollment by the Commission or Commissioner to the Five Civilized Tribes and when these sheets or schedules were approved by the Department, they have been considered a part and parcel of the final roll of the Nation affected. The names of the majority of persons who have been enrolled as citizens of one of these tribes have never been presented to the Department for consideration until they have been sent up on one of these schedule sheets above referred to. Prior to the scheduling the only class of cases which have been submitted to the Department have been those in which an unfavorable decision was rendered by this office, or cases in which a favorable decision was rendered by this office but the attorney for the Nation affected has filed protest. In these two classes of cases the right of the parties to enrollment was considered by the Department without their names having been placed upon a final roll schedule. In such cases, when unfavorable action of this office was reversed by the Department, or the favorable action of this office was approved by the Department, the cases have been returned to this office for scheduling.

The final act, however, on the part of the officers of the United States in the matter of the enrollment of persons as citizens of one of the Five Civilized Tribes, is the approval of such enrollment by the Secretary of the Interior. In all of the cases above referred to, this action has formally taken place and I do not believe that these persons should be deprived of the right of having their names appear upon the final rolls, upon which it has been determined that they are entitled to appear, by reason of a default in the administrative work of this office or the Department.

By all the legislation providing for the enrollment of citizens of the Creek and Cherokee nations it is provided that the rolls of these two tribes shall be complete when the names of all the persons found entitled to be enrolled under the various acts of Congress regulating the enrollment in these two nations have been submitted to the Secretary of the Interior and acted upon by him.

By the provisions of Section 2 of the Act of April 26, 1906, which has heretofore been quoted, it is provided, however, that "the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date (March 4, 1907)."

In the cases of these persons all the steps incident to enrollment have been taken. They have been found entitled to

enrollment by the Commission or Commissioner to the Five Civilized Tribes, their names have been submitted to the Secretary of the Interior for consideration by him and their enrollment has been approved by him.

I therefore have to recommend that their names be placed upon the final rolls of the Creek and Cherokee Indians and there is herewith transmitted a Creek freedmen schedule sheet upon which have been placed the names of Green Bullocks and her three minor children, Bessie Morris, Minnie Vincent and Lee Willie Bullocks, opposite Nos. 3694, 3695, 3696 and 3697, respectively.

There is also transmitted a Cherokee freedmen schedule sheet upon which has been placed the name of John Ross, Jr., opposite No. 4360, also a Cherokee Indian schedule sheet upon which have been placed the names of John D. Lacey and seven children, Myrtle L. Colvin, William D. Lacey, Shelley M. Lacey, Milton Lee Lacey, Rachael M. Sledge, Jesse Franklin Lacey and Mathew H. Lacey, and his minor grandchild, Ella Colvin, opposite Nos. 32918, 32919, 32920, 32921, 32922, 32923, 32924, 32925 and 32926, respectively; also a Cherokee freedmen schedule sheet upon which has been placed the name of Jordan Harper, opposite No. 4359; also a Cherokee Indian schedule sheet upon which has been placed the name of Lorenzo Easton Davis, opposite No. 32916; also a Cherokee Indian schedule sheet upon which has been placed the name of John W. Lawrence, opposite No. 32917, and if the Department concurs in

the above, it is recommended that one copy of the sheets containing these names be attached to and made a part of the final rolls of the Creek and Cherokee Nations as they appear of record in the office of the Secretary of the Interior and Commissioner of Indian Affairs and that three copies of the same be returned to this office to be attached to the copies of the roll in its possession.

As this office, under Departmental instructions, is preparing to have the final rolls of the citizens and freedmen of the Five Civilized Tribes printed, it is requested that consideration and action on this matter be expedited as much as possible.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Through the Commissioner
of Indian Affairs.
MEK-3-1.

Circular 2 1909.

Washington, United States, June 8, 1910.

Lydia Harper,
Collinsville, Kansas.

Dear Madam:

You are advised that the action of the Attorney for the Cherokee Nation in reconsider, revise and reverse Departmental action of February 18, 1907, in the matter of the application for the enrollment of your son, Jordan Harper, as a Cherokee freedman was denied by the Department on May 17, 1909.

Respectfully,

D.H.

Acting Commissioner.

[illegible]

[illegible], Indian Territory, June 8, 1897.

W. T. [illegible],
Attorney for Jerome Harper,
[illegible], Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, revise and reverse Departmental action of February 16, 1897, in the matter of the application for the enrollment of Jerome Harper as a Cherokee freedman was denied by the Department on May 19, 1897.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

[illegible]
[illegible]

[illegible]
[illegible]

[redacted]

[redacted], Yukon Territory, June 8, 1908.

[redacted],
Attorney for Charlie Smith,
[redacted], Yukon Territory.

Dear Sir:

You are enjoined that writ issue to reconsider, revise and reverse Departmental decision of February 14, 1908, in the matter of the application for the settlement of Klondike Schools, et al., as Charlie Brooks was denied by the Department on May 27, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

[redacted].
E.T.

Acting Commissioner.

Muskogee, Indian Territory, June 28, 1907.

L. F. Clendon,

Tahlor, Indian Territory.

Dear Sir:

Referring to your letter of May 27, 1907, requesting information as to the status of the citizenship case of Mrs. Jordan Harper, a deceased Cherokee freedman, you are advised that the status of the said Jordan Harper as a Cherokee freedman is at the present time not known by this office. The question of his status as such is now before the Department for consideration, and as soon as this office is definitely advised relative thereto, your inquiry will receive further consideration.

Respectfully,

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

19

Mr. Jordan Wynn,

74

74

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Jordan Harper,

Coffeyville, Kansas.



Fr 1306

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 18, 1901.

In the matter of the application of Eliza Eastman for the enrollment of herself and her five children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Eliza Eastman.
Q How old are you? A I don't exactly know, about 35.
Q What is your postoffice? A Melvin.
Q In what district do you live? A Tahlequah.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody else besides yourself? A Yes sir, five children.
Q Have you a husband? A Yes sir, but me and he are parted.
Q You don't apply for him? A No sir.
Q These children all living with you? A Yes sir.
Q These five children are all alive at this time? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father. A Jerry Vann.
Q Is he alive? A No sir, he's dead.
Q How long has he been dead? A I don't know, he's been dead - he's been dead a good while, when I was small.
Q Give me the name of your mother. A Abbie Vann.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She died when I was small.
Q How many times have you been married? A Once.
Q When were you married? A I don't know how long its been.
Q About how long ago? A About fifteen years ago.
Q To whom were you married? A Ike Eastman.
Q Give me the names of your children. A Lee Eastman.
Q How old is that child? A He's going on 18.
Q Now, the next child? A Nine.
Q Give me the name? A Lewis.
Q The next child? A Pearl.
Q How old is that child? A 8 years old.
Q The next child? A Ollie.
Q A boy or girl? A Its a boy.
Q How old is that child? A Going on five years old.
Q The next child? A Mary, two years old.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

Q Who brought you up after your father and mother were dead? A My father married another woman and she raised me.
Q Were you enrolled with your father in 1880? A I don't think I was.
Q Why not? A I think he was dead before that time.
Q Then who brought you up after your father died? A The woman he married.
Q And she went by the name of Vann? A Yes sir.
Q What was her name? A Eliza Vann.
Q You think your mother died before '80? A Yes sir, she died when I was small.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicants not found thereon.

Q Is your husband, Isaac Eastman, a Cherokee Freedman? A Yes sir.

The Kern-Clifton roll of the Freedmen of the Cherokee Nation examined and the names of the applicants are found

thereon as follows:
Page 105, No. 3834, Louis Eastman, Cooweescoowee Dist.
Page 105, No. 3835, Pearl Eastman, Cooweescoowee Dist.
Page 147, No. 3844, Eliza Eastman, Cooweescoowee Dist.
Page 147, No. 3845, Lill Eastman, Cooweescoowee Dist.

Q When did you and your husband separate? A About five years ago.
Q Now, did your husband take some of the children with him? A No sir, all staid with me.
Q This child, Ollie, was that child born after your husband left you? A No sir, born before.
Q But this child, Mary, was born after your husband left you? Yes sir.
Q This is not a child of your husband? A No sir.
Q Who did your mother belong to in old slavery days? A Joe Vann.
Q Do you remember your mother? A No sir.
Q She died when you were very young? A Yes sir.
Q About how old were you when she died? A They said I was about one ~~year~~ and a half years old.
Q Do you know where your mother was during the war? A No sir, I think she was South.
Q Is there anybody here who knows where she was? A No sir.
Q You can't prove anything about where she was during the war? Sometime after the war, can you? A No sir, I haven't got no witness here.
Q Is Joe Vann, to whom your mother belonged, still living? A No sir, he's dead, I think.
Q Any of his family living? A Not that I know.
Q His wife is dead? A Yes sir.
Q Any of the old slaves that were living? A Yes sir.
Q Who? A They are not here.
Q Where are they? A They live up here towards Vinita.
Q Give me the names of some of the old people that knew your people in that day? A Sam Vann, he is a brother of my mother.
Q Who else? A Jennie Vann.
Q Is she Sam Vann's wife? A No sir, a sister of my mother.
Q Is she living up above Vinita? A She lives up in Cooweescoowee.
Q Who else among the old ones? A That's all that's living.
Q Can you write them to come before the Commission and give testimony in your case; you are not on the roll of 1880 nor 1896, nor any of your children were admitted to the roll of 1896? A Yes sir.
Q Were you ever married except to Isaac Eastman? A No sir.
Q How old is Isaac Eastman? A I don't know sir.
Q Is he older than you? A I don't know, sir, whether he is or not.
Q Is he so much different from your age to make any impression on you? A Not much.
Q Where is he living now? A I don't know where he is.
Q Has he lived in the Cherokee Nation all his life as far as you know? A Yes sir.
Q Was he ever married before he married you? A No sir.
Q Where were you and he married? A In Cooweescoowee
Q Who married you? A Preacher by the name of Abe Ballard.
Q Is he living now? A Yes sir.
Q What is his postoffice? A Chouteau.
Q A White man or colred man? A Colored man.

The 1880 authenticated roll, the 1896 census roll of the Freedmen of the Cherokee Nation have been examined and the name of the applicant's husband is not found of record thereon.

3- E. E.

The Kerns-Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's husband is found on page 105, No. 2653, Isaac Eastman, Cocweescoowe a Dist.

Q Is there anybody here knows that you and Eastman were living together as man and wife? A Yes sir, Mr. Keys.

James M. Keys, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name. A James M. Keys.
Q What is your age? A 58 years.
Q What is your postoffice? A Okeutoosa.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You know this woman here, Miss Eastman? A Yes sir.
Q You know her husband? A Yes sir.
Q What is his name? A Isaac Eastman, and sometimes called York.
Q How long have you known this woman? A I have known her since about 1877.
Q Did you know her mother? A No sir.
Q Was this woman ever married except to Isaac Eastman? A Not that I know of.
Q Was he ever married except to her? A Not that I know of.
Q They have not lived together for the last five years or such a matter? A They separated at the time of the payment or before.
Q About how long since she and Eastman married? A I don't how long.
Q As much as fifteen years or such a matter? A I don't know exactly when they did marry; I know they lived together as husband and wife.
Q ###
Applicant recalled-
Q These children whose names you have given are all living at this time? A Yes sir.

The applicant applies for the enrollment of herself and five children. The applicant is not identified on the roll of 1880 nor that of 1896; she is identified on the Kerns-Clifton Roll; she is not able to give any information in regard to the status of her mother, and neither her mother or father are found onthe roll of 1880; they have both been dead a number of years. She is desired to have an uncle and aunt, whose names she gives, appear before the Commission and give testimony in regard to the whereabouts of her mother during the subsequent to the Civil War, and also to explain, if possible, any matters relating to them in connection with the roll of 1880. The applicant's change of name arising from marriage is explained in a satisfactory manner by her own and other personal testimony. Her husband is not identified on the roll of 1880, or on that of 1896; he is identified on the Kerns-Clifton Roll; they have been separated some five years and his present whereabouts are unknown. Under these conditions, it does not appear that the applicant is entitled to enrollment, either through marriage or of her own right, and her application will at this time be placed upon a doubtful card; she being listed as a Cherokee Freedman. Of the five children named in the testimony, none of them are found upon the roll of 1896; but the first three, Lee, Lewis, and Pearl, are identified on the Kerns-Clifton Roll. The first child with quite a variation of name, but with the family, and it is considered quite certain that the name as given is intended for him. Thesechildren will be listed for enrollment as Cherokee Freedmen on a doubtful card with their mother; they are living at this time. When a certificate of birth is given for the next child, Ollie Eastman, which is not upon any roll and is perhaps too young to be upon any roll, this child will also be listed for enrollment on a doubtful card with its mother as a Cherokee Freedman. The child, Mary, is shown by the applicant to have been born

[illegible] ago, and was at the [illegible] a child of [illegible] parents; therefore, [illegible] could [illegible] any rights [illegible] entitled to become [illegible] as the [illegible] a member in [illegible] the Iowa-Cherokee [illegible], this child will be listed [illegible] a doubtful card [illegible] as a Cherokee freedman, [illegible] proper certificate of its birth is supplied to the Commission.

[illegible] to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in said case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of April, 1901.

Commissioner.

B FL81

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 16 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 16, 1901

Post Office Melvin I. T.

District Tahlequah

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 Name of wife Eliza Eastman 37

Owners name ..... Citizenship .....

Year K C. Page 147 No. 3644 District Coo.

Parents:

Father Jerry Vann - dead Citizenship .....

Mother Jabbie " - " Citizenship .....

Names of Children:

2 Lee Eastman Year K C. Page 147 No. 3645 Dist. Coo 15

3 Lewis " Year K C Page 105 No. 2634 Dist. Cowan 9

4 Pearl " Year " Page 65 No. 2631 Dist. " 8

5 Albie " Year [illegible] Page [illegible] No. [illegible] Dist. [illegible] 6

6 Mary " Year [illegible] Page [illegible] No. [illegible] Dist. [illegible] 2

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Eliza Eastman Stenographer C. G. Rothenberger

Ark pobb

2 Ark & K. roll as Lill Eastman

3 Ark & K. roll as Lewis Eastman

5 & 6 Affidavits of birth to be supplied

CHEROKEE FREEDMAN.

20 821

IN RE

Application for Enrollment of

INFANT CHILD

Ollie Eberhart

as a citizen of

Cherokee Nation.

Approved, APR 16 1901 190

Commissioner.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Ollie Eastman, born on the 3rd day of Dec, 1895
(Name to which name of child)
Name of Father: Isaac Eastman, a citizen of the Cherokee Nation.
Name of Mother: Eliza Eastman, a citizen of the Cherokee Nation.
Post-office, Melvin I.T.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Eliza Eastman, on oath state that I am 23
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of Isaac Eastman, who is a citizen, by
adoption, of the Cherokee Nation, that a male child was
(male or female.)
born to me on the 3rd day of Dec 1895 that said child has been
named Ollie Eastman, and is now living.

Eliza her X mark Eastman

WITNESSES TO MARK
(Must be Two Witnesses)

Subscribed and sworn to before me this 15 *day of* April 1901.

John Brady NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Midwife is dead, a , on oath state that I
attended on May day of , wife of , ; that there was born to her on
said date a (male or female) child; that said child is now living and is said to have been
named

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190.

NOTARY PUBLIC.

CHEROKEE FREEDMAN. 381

IN RE

Application for Enrollment of

INFANT CHILD

Mary Eastman

as a citizen of

Cherokee Nation.

Approved APR 16 1901 190

Commissioner.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Mary Eastman (Here insert name of child) born on the 6 day of April, 1896
Name of Father: _____, a citizen of the _____ Nation.
Name of Mother: Eliza Eastman a citizen of the Cherokee Nation.
Post-office, Fork Gibson I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Eliza Eastman, on oath state that I am 33 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Isaac Eastman, who is a citizen, by adoption, of the Cherokee Nation, that a Female child was born to me on the 6th day of April 1896 that said child has been named Mary Eastman, and is now living.

Eliza her X mark Eastman

WITNESSES TO MARK
(Must be Two Witnesses) Ida Fairchilds
Alma Wofford

Subscribed and sworn to before me this 15 *day of* April *1901.*

John Brady NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Eliza Eastman, on oath state that I ~~attended on Mrs.~~ with ~~midwifery~~ self, on the 6th day of April, 1896 that there was born to ~~her~~ me on said date a Female (male or female.) child; that said child is now living and is said to have been named Mary Eastman

Eliza her X mark Eastman

WITNESSES TO MARK:
(Must be Two Witnesses) Ida Fairchilds
Alma Wofford

Subscribed and sworn to before me this 15 *day of* April *1901.*

John Brady NOTARY PUBLIC.

Supl.C.P.D.#63.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ELIZA EASTMAN, ET AL., as Cherokee Freedmen, introduced on part of applicants:

Appearances:
L. T. Brown, Vinita, I. T., Agent for applicants;
W. W. Hastings, Cherokee Representative,

ANN PERRY, being duly sworn, testified as follows on part of applicants:
MR. BROWN:

Q State your name? A Ann Perry.
Q Your age? A 49.
Q What is your post office address? A Melvin.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir
Q Is your name upon the authenticated roll of 1880? A Yes, sir
Q Do you know the applicant, Eliza Eastman? A Yes, sir
Q Did you know her father or mother? A No, sir.
Q Didn't know either one of them? A No, sir
Q Do you know where Eliza Eastman was in 1866? A No, sir, I don't
Q When did you see her for the first time after the close of the war? A I ain't seen her about 18 or 19 years ago.
Q Has she resided in the Cherokee Nation since that time?
A Yes, sir
Q You say you didn't know either her father or mother?
A No, sir.

CILLA SANDERS, being duly sworn, testified as follows on part of the Applicants;
MR. BROWN:

Q State your name. A Cilla Sanders.
Q What is your age, Mrs. Sanders? A This April I will be 57 years of age.
Q What is your post office address? A Melvin.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir; I am.
Q Your name is upon the 1880 roll? A Yes, sir
Q Do you know this applicant, Eliza Eastman? A Yes, sir
Q Did you know her father and mother? A Yes, sir.
Q were they slaves of a citizen of the Cherokee Nation athe beginning of the war? A Yes, sir.
Q Do you know whethmmre they were in the year 1866? A On Grand river.
Q In the Cherokee Nation? A Yes, sir.
MR. HASTINGS:
Q Where were you living at the close of the war? A I come to Webbers Falls and I come from Webbers Falls up here on Grand river to Brushy.
Q How long did you stay at Webbers Falls? A Just stayed there until in the fall and moved on through the winter up Grand river to Brushy.
Q What ax time did you come to Webbers Falls? A Just a year after the peace; just the a year peace was made.
Q How old were you then? A I don't know, sir, just exactly how old I was.

Q Who brought you back to Webbers Falls? A My owners I belonged to, Cornelius Wright and his son, I lived with his son.
Q And then where did you go from there? A Come right on up Arkansas and from Arkansas on Grand river to Brushy.
Q How long did you stay on Arkansas? A We just made a crop there.
Q What year did you make a crop there, in 1867? A Yes, sir, the next year after peace; that was the first crop we made after we was set at liberty.
Q You don't know what year that was? A No, sir.
Q You don't know one year from another? A No, sir.
Q You don't know what year this is, do you? A Yes, sir, I understand that it is '92, ain't it?
Q Do you know what year it was we, they made this last payment?
A No, sir, I don't.
Q Do you know what year Wallace made a payment?
A No, sir, I don't excepting I hear someone sy.
Q You don't know any year do you? A No, sir, I can't keep the run of any year, I ain't got no education.
Q You don't know what year you made a crop down there? A No, sir, I know we made a crop the next year.
Q After you come back up here? A No, sir
Q You don't know what year that was? A No, sir, after the peace, after we was all set at liberty.
Q When did you come up to Brushy? A We went to Brushy after we made the first crop we made, after we left Webbers Falls.
Q How far was that from Chouteau? A About four miles.
Q Was this girl born then, when you went up there and saw her parents; how big was the child? A She was a little bitty thing; I married in the family.
Q How old was the girl when you come up there and saw her?
A She was about two years old.
Q That is the first time you saw them after the war?
A We all lived together.
Q I mean after the war? A Yes, sir; I married right in the family.
Q This applicant, Eliza Eastman was about two years old when you saw them up here in the Cherokee Nation the first time after the war? A Yes, sir, and I took care of her little brother. Her mother lived with her mother's mother.
Q How far did you live from Ann Perry, this other witness that was in here a while ago? A I don't know, she lived at Tahlequah and I lived up here in George Still settlement on Grand river.
Q And this applicant, Eliza Eastman was about two years old when you first saw her after the war? A Yes, sir.
Q And that was the first time you saw her father or mother? A Yes, sir.

MR. BROWN:

Q You remember when peace was declared? A Yes, sir.
Q And it was the next year after that that you saw the mother and father of this applicant? A Yes, sir.

JERRY ALBERTY, being duly sworn, testified as follows on part of the applicants:

MR. BROWN:

Q State your name? A Jerry Alberty.
Q Your age? A About 68 somewhere along there.
Q What is your post office address? A Wagoner.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir; said to be.
Q Is your name upon the roll of 1880? A Yes.
Q Do you know the applicant, Eliza Eastman? A Yes, sir.

Q Did you know her father and mother? A Yes, sir.
Q Did you know to whom they belonged at the beginning of the war?
A Yes, sir.
Q Were their owners citizens of the Cherokee Nation by blood?
A Yes, sir.
Q Do you know whether or not the mother and father of this applicant was in the Cherokee Nation in the year 1866?

Mr. Hastings: That is purely leading question; it embodies, the very gist of it, and puts the answer in the mouth of the witness.

Mr. Brown: Just strike it out.

A When did you see the father and mother of the applicant for the first time after the close of the war? A '66.
Q Where did you see them, in the Cherokee Nation?
A Yes, sir, in the Cherokee Nation.

MR. HASTINGS:

Q Where did you see them? A I saw them here at Gibson.
Q At Fort Gibson? A Yes, sir.
Q What was the name of the father of this applicant? A Jerry Vann.
Q What was the name of her mother? A Her name was Abagil, but we called her Nank; she went by the name of Nank.
Q How old was this applicant when you first saw them?
A She was just a child when I came from the south.
Q Well, about how old? A I don't suppose she was more than three or four months old.
Q That was the first time you saw them after the war?
A Yes, sir.
Q Were they living there at port Gibson? A No, sir, they was, I think they came through Fort Gibson.
Q And you was there when they came there? A They came out with John Alberty's folks.
Q And you was there when they came there? A Yes, sir.
Q And this applicant was about three or four months old?
A I guess about that old

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J C Reese
Stenographer.

C.S. 10.81

IN RE

Application for Enrollment of

INFANT CHILD

Robita Eastman

as a citizen of

Cherokee Nation.

Approved March 14 1902 1900

DEPARTMENT OF THE INTERIOR,

CONNECTED TO THE FIVE CIVILIZED TRIBES.

The ☒ Application for Enrollment, as a citizen of the Cherokee Nation,
Name of Child: Robbie Eastman born on the 1 day of October, 1901
Name of Father: Jim Boykin a citizen of the U. S. Nation.
Name of Mother: Eliza Eastman a citizen of the Cherokee Nation.

Post-office .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Northern District.

I, Eliza Eastman, do on oath state that I am 33 years of age and a citizen, by adoption of the Cherokee Nation; that I am the lawful wife of Jim Boykin, who is a citizen, by adoption, of the Cherokee Nation; that a female child was born to me on the 1 day of October, 1901; that said child has been named Robbie Eastman, and is now living.

Eliza her X mark Eastman

Witnesses to mark:
(Name in Full) [illegible]
(Name in Full) [illegible]

Subscribed and sworn to before me this 4 day of May, 1902

Louis J. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Northern District.

I, Nan Perry, a midwife on oath state that I attended on Mrs. Eliza Eastman, wife of Jim Boykin on the 1 day of October, 1901, and that there was born to her on said date a female child; that said child is now living and is said to have been named Robbie Eastman

Nan her X mark Perry

Witnesses to mark:
(Name in Full) [illegible]
(Name in Full) [illegible]

Subscribed and sworn to before me this 4 day of May, 1902

Louis J. Brown
NOTARY PUBLIC

Cherokee Freedmen D 81.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Eastman for the enrollment of herself and her minor children, Lee, Lewis, Pearl, Ollie, Mary and Roberta Eastman, as Cherokee Freedmen.

DECISION.

The record in this case shows that on April 16, 1901, Eliza Eastman appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of herself and her minor children, Lee, Lewis, Pearl, Ollie and Mary Eastman, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 4, 1902; and subsequent to the date of said original application an affidavit was filed showing the birth of Roberta Eastman on October 1, 1901, and the same is made a part of the record herein.

The evidence shows that Eliza Eastman was born since 1866 and is the daughter of Jerry and Abbie Vann, who were slaves of Cherokee citizens at the commencement of the rebellion; and that Jerry and Abbie Vann were residing in the Cherokee Nation at the date of the adoption of the Cherokee Treaty of 1866. The evidence further shows that the said Eliza Eastman has been a resident of the Cherokee Nation all her life up to and including the date of this application. The residence of said minor children is considered to have been with their mother, since birth.

It is, therefore, the opinion of this Commission that Eliza Eastman, Lee Eastman, Lewis Eastman, Pearl Eastman, Ollie Eastman, Mary Eastman and Roberta Eastman should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

Commissioner.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Elisa Eastman,
Melvin, I.T.
Cherokee F-D-81
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

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Mr. Charlies Morris,
Redland, I.T.
Cherokee F-D-82
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-81.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Eliza Eastman for the enrollment of herself and her minor children, Lee, Lewis, Pearl, Ollie, Mary and Roberta Eastman, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-14.

Commissioner in Charge.

Cherokee Freedmen
D-81.

Muskogee, Indian Territory, April 21, 1904.

Miss Eastman,

[redacted], Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for the enrollment of yourself and your minor children, Lee, Lewis, Pearl, Ollie, Mary and Roberta Eastman, as Cherokee freedmen.

Respectfully,

Chairman.

Enc. D-82.

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREEDLOVE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Enrollment
[illegible]

Muskogee, Indian Territory, November 6, 1894.

Eliza Eastman,

Tahlequah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of October 26, relative to your enrollment as a Cherokee freedman.

In reply you are advised that your name has not yet been placed upon a final schedule of Cherokee freedmen to be forwarded to the Secretary of the Interior for his approval. You are further advised that such action will be taken in the near future.

Respectfully,

Chairman.

Muskogee I.T. 4/17/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Eliza Eastman

for enrollment as Freedman Citizen *of the Cherokee Nation.*

Louis J. Brown.

Cherokee I.T. No. 81

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Eliza East an,

Tahlequah, Indian Territory.

Cher Fr 1307

Department of the Interior,
Commissioners to the Five Civilized Tribes,
Fort Gibson, I.T., April 10, 1901.

In the matter of the application of Blue Thompson for the enrollment of himself and three children as Cherokee Freedmen.

Blue Thompson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Blue Thompson.
Q How old are you? A 51.
Q What is your post office address? A Chetopa, Kansas.
Q What district do you live in? A My home is in Kansas.
Q Where do you reside? A I reside part of the time there and part of the time in Chetopa.
Q Where do your family reside? A On the other side.
Q In Kansas? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled by any other tribe or nation? A Never.
Q Have you ever been recognized by the tribal authorities as a Cherokee Freedman? A I am not on the 1880 roll.
Q Have you ever been recognized since? A Yes, sir; I had a certificate once that I was admitted by Council but it is in Muskogee on file there.
Q Who do you want to have enrolled besides yourself, how many children? A Three children.
Q What are the names of your children? A One is Bessie Thompson.
Q How old is she? A 17.
Q The next child? A Ada Thompson.
Q How old is she? A 15 the 20th of next July.
Q The next one? A 8 years old, Edward.
Q What is the name of the mother of these children? A The mother of these children, she is dead, Jennie Thompson.
Q Was she a citizen? A No, sir, a non citizen.
Q Were you ever married to her? A I was living with her at that time, I wasn't married.
Q Did you hold her out to the community as your wife? A Yes, sir, what time I lived with her.
Q How long did you live with her? A About two or three or four years.
Q Was Bessie born while you were living with her? A Yes, sir.
Q And Ada and Edward? A Yes, sir.
Q And you only lived with her three or four years?
A Yes, sir; one of these children isn't here.
Q Which one? A The last one, Edward.
Q What is the name of the mother of the last one? A Anna.
Q Anna what? A Her maiden name was Anna Craig.
Q Was she a citizen? A No, sir.
Q Were you married to her? A No, sir.
Q Did you live with her as your wife? A Well, no sir, not altogether.
Q Did you live with Jennie Thompson as your wife? A Yes, sir, at that time.
Q Three or four years? A Maybe five.
Q Was that five years after Bessie was born or the five years after Edward was born, or when: Bessie is 17 and Ada is 15?
A Yes, sir, me and her quit after these children were born.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1890 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.

Q Your name doesn't appear upon the roll of 1880? A No, sir.
Q Were you a slave? A I was.

Q What was your owner's name? A Jim Allen Thompson
Q Where were you born? A At Beatty's Prairie, Delaware district.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A I was in the Cherokee Nation.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Chickasaw Nation.
Q When did you return to the Cherokee Nation? A I returned back here the fall of 1865.
Q Q How long did you live in the Cherokee Nation after you returned here.
A I don't know, sir, just how long altogether I expect ten or twelve years.
Q Then you removed to Kansas? A No, sir.
Q Where to? A I went to Texas.
Q How long did you live in Texas? A I lived there I think about a year.
Q Where did you go to from Texas? A Wait a minute; after I came from Fort Smith and Sequoyah district; you didn't commence asking me —
Q I want to know where you went after the war: you say you came to the Cherokee Nation in 1865? A Yes, sir.
Q How long did you live in the Cherokee Nation before you left?
A I don't know sir, ten or twelve years.
Q Where did you go to then? A I went as a wagoner for Mr. Robb here.
Q Where? A Fort Gibson to Fort Arbuckle.
Q What did you do after that? A I went back to Fort Smith.
Q How long did you stay there? A I steamboated down there between two and three years, maybe.
Q Where did you go to from Fort Smith? A Came back to Fort Gibson.
Q How long did you stay in Fort Gibson then? A I don't know how long, quite a while; I don't know how many years.
Q What year was it you came back to Fort Gibson? A After going to Fort Smith, I don't know the date.
Q You stayed a while in Fort Gibson? A Yes, sir.
Q Then where did you go? A 14-mile Creek, Cherokee Nation.
Q How long did you live in the Cherokee Nation at that time, when you came back from Fort Smith? A Well, I stayed there that time until the railroad came to Chetopa in 1870.
Q Then where did you go to? A I went from there to Kansas.
Q How long have you lived in Kansas? A I lived there the first time between one and two years.
Q Then were did you go to? A I came back here.
Q Whenever was that? A Came back to Fort Gibson.
Q How long did you stay then in Fort Gibson? A I possible stayed here about three years.
Q Then where did you go to? A Went back to Kansas.
Q How long did you live in Kansas then? A I think I run on the road about three years from Parsons to Benton.
Q Where did you marry? A At Oswego the first time.
Q Where did you marry the next time? A Married the same place.
Q The fact is you were never married at all? A Yes I was.
Q Were you married to anybody when you had these children?
A No, sir.
By Edgar Smith, attorney for applicant: You were a slave you say: whose you belong to? A Jim Allen Thompson.
Q Where did he live? A Lived at Beatty's Prairie.
Q Was he a Cherokee citizen? A Yes, sir.
Q Where were you taken when the war broke out? A Taken to the Chickasaw Nation.

Q In Indian Territory? A Yes, sir, the Chickasaw Nation.
Q Did you remain there until you came back to the Cherokee Nation?
A I did.
Q What year did you say you came back to the Cherokee Nation?
A I came back the fall of 1885.
Q Then you made your residence in the Cherokee Nation, and how long before you went out any length of time after you came back in 1885? A I tell you I can't remember the date, how long; possibly ten or twelve years; I went out in 1870 I believe it was.
Q I believe you stated that during the time these two children were born, the first two, that you were holding the mother of the children out as your wife? A It was at that time.
Q You never were out of the Territory during the war? A No, sir, not till the war came up; I never was out till the war came up.
Q Then where did you go? A Then I went to the Chickasaw Nation.
Q That is still in the Indian Territory? A Well I didn't go any other place.
Q You came back from there to the Cherokee Nation? A Yes, sir.
Q And lived here two or 12 years? A Yes, sir, I don't know just the date; I was a young boy at that time.
Q Have you got any property in the Cherokee Nation? A I have.
Q Where is it? A I have a farm three miles south of Chetopa.
Q In what district? A Coomeescoowee district, and I have a farm in Delaware.
Q How long have you had that? A I have had them about between three and four or five years; one of them about five years.
Q You say your wife and family live now in Chetopa, Kansas?
A Yes, sir, just at present, temporarily, yes, sir.
Q Where do you stay? A I am part of the time on my farm.
Q Where? A In the Cherokee Nation.
Q Were you ever enrolled upon any roll of Freedmen? A I was.
Q What? A I was enrolled on the Wallace and 1880.
Q Any other roll? A One roll of the Cherokees, but I haven't got it.

Commissioner Needles: Did you draw what was known as the strip money in 1893? A I did sir.
Q Where were you living on the 28th day of June, 1898?
A Well, my people were in Chetopa; I was over in Canadian district visiting my people.
Q Where did you live? A I lived at Chetopa.
Q You and your family lived at Chetopa at that time? A Yes,sir.
Q You have been living at Chetopa ever since? A Well, off and on.
Q More on than off, haven't you? A Well I am telling you like it is.
Q Well, you live where your family is? A Yes, but I am in the Cherokee Nation two thirds of my time.
Q But your family has been at Chetopa? A Yes, sir.
Q And your household furniture? A Yes, sir.
Q Your children? A No, not all of them; two of them are home.
Mr. Smith: What two children are here? A Bessie and Ada.
Q Why did you go to Chetopa? A My wife's health wasn't good at Vinita, and I had to move away from there: I kept her there 11 years, and she couldn't stand it down there and I moved to Chetopa, and for the benefit of [redacted] my children.
Q Is Chetopa your permanent home or not? A No, sir, just temporary
By J.S.Davenport, attorney for Cherokee Nation: You went from Fort [redacted] Vinita to Chetopa in 1870, when the railroad was there? A Yes, sir.
Q You didn't return to the Cherokee Nation till 1889, did you?
A Yes, sir, I did.
Q Didn't you testify on the examination before the Kerns Clifton Commission that you didn't return to the Territory to permanently lo-

ente until 1889? A I never could stayed away that long.

Q Did you or did you not testify at that time like this: "I went to Chetopa when the railroad came there and returned in the year 1889 permanently." When did you come from Chetopa after you went there in 1870, back to the Nation to the Nation to live? A I came back in three or four months; that was my business, I was back about every month.

Q When did you bring your family back? A I didn't have any family?

Q In 1889? A Not at the time I first went to Chetopa in 18702.

Q Did you have any family in 1889? Q Why certainly.

Q Where was your family living in 1889? A Living at Oswego I expect.

Q Do you know? A I don't know for certain.

Q You moved your family to Vinita and lived there till 1893?

A I lived there 11 years.

Q Wasn't you living at Kansas Chetopa at the time the stmip payment was made? A No.

Q When you moved away from Vinita did you go to Chetopa? A Yes, last time I did; that was in 1896 or 1897.

Q Your family has been residing in Chetopa since 1896 or 1897 continuously? A About 1897 sometime.

Q Those farms, you bought since you moved to Chetopa? A I bought one of them before I left ~~Chetopaxxx~~ Vinita.

Q You bought that one in Vinita about two years ago, didn't you?

A Four years ago.

Q Since you went to Chetopa? A Yes, sir, I think about four years ago.

Q While you were living in Chetopa and Oswego Kansas you voted in the elections there and took part in the elections? A No, sir.

Mr. W.W.Hastings, attorney for Cherokee Nation: Did you ever vote in the State of Kansas?

Counsel for applicant object to this question, on the ground that if he established a residence after he came back, then he could not abjure that citizenship by going into another state, because he could not become a citizen of the state of Kansas; if he voted he simply voted illegally, and it is not an issue affecting this case.

The Cherokee representatives contend that if there is a question as to which place he is a citizen of, he helped to determine that question by voting there.

Mr. Hastings: Did you ever hold an office in Kansas? A I did not.

Q Didn't you run for a Justice of the Peace up there? A No, sir.

Q You never run for it? A No, sir, how could I run when I can't read and write.

Q You never run for any office, county or city? A I did not; Mr. Hastings, I am here telling the truth, because me and you had it once before and if you down me I want to be downed fair, and I am telling the truth.

Q Did you ever vote in the State of Kansas? A No.

Q Where are these two older children? A One in Canadian district, one of them I left yesterday morning, one is working at Muskogee.

Q How long has that one been in Canadian district: A She has been there about four months now.

Q How long has the other been at Muskogee? A The same thing.

Q About four months? A Off and on; she goes to see her sisters and makes that her home.

Q Are you married to this last woman, the mother of Edward? A I told you no.

Q Is the mother of these first children alive? A She is dead.

Q When did she die? A I expect she has been dead now about two years.

Q She wasn't dead then when Edward was born? A No, but she was married.

Q You were not divorced from your first wife or from the mother of these first children? A No, I couldn't get no divorce, it wasn't necessary to have it; kinder like we used to be here before these white men came in here.

Commissioner Needles: I understand now you were never married to the mother of any of these children? A Not of these two.

Q You were never married to the mother of either the two oldest ones or Edward? A No, sir, but they are my descendants.

Mr. Smith: What did you state about holding out the first woman as your wife? A I lived with her as my wife.

Q What about the second one? A I was just kinder walking around.

Mr. Hastings: Was the second one the mother of Edward? A Yes, sir.

Commissioner Needles: You say you held this first woman out as your wife? A Yes, Mr.

Q Did you live with her, keep house? A No, I didn't keep house, just kinder went there.

Q Did the people in the neighborhood around there consider her your wife? A Well, I told them she was, they didn't know any better, they didn't inquire around.

Q It was none of their business and they didn't inquire about it? A No, sir.

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Luster Foreman, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Luster Foreman.

Q How old are you? A I am about 38 I suppose.

Q What is your post office? A Vinita.

Q Do you know Bliss Thompson? A Yes, sir.

Mr. Smith: How long have you known him? A I got acquainted with Bliss Thompson about the latter part of 1906.

Q Where was he? A Here at Gibson.

Q At Fort Gibson? A Yes, sir.

Q When did you next see him after you got acquainted with him at Fort Gibson? A He was here quite a while; I married in 1907, he stayed with me a while.

Q About how long, as near as you can remember? A He stayed with me about five or six months I expect, made it his home while he was around here.

Q And did you live at Fort Gibson then at that time? A Yes, sir.

Q How long did you live in Fort Gibson? A All my life.

Q Do you know how long Thompson remained in the Territory after you met him here in 1906? A I just don't, I don't know where he went; of course he was a young man then, going to and fro he would stop with us a while, and be out around the country; I don't know just when he went and where he was; always generally when he was in the town he made his home with us.

Q That was in what year? A That was along bout the latter part of 1907; it was 1907 when we married, and 1906 he was like I was, just living around in town; he was nothing but a boy then.

Q Had you known him before the war? A No, sir.

Q You know nothing about who his owners were? A No, sir.

Q That is all you know about this case? A I am acquainted with Thompson and I am acquainted with his farms he claims; I am acquainted about him being the man.

Q Where is his farms? A Up there in Delaware above where I live now.

Q Do you know whether he has any other farms or not of your own knowledge? A I don't know any more than what he said, I haven't been

to his other farm, I have been to the one he claims in Delaware, I haven't been to the other one.

Mr. Davenport: Do you know how long he has been in Kansas? A No, sir

Q You know HE is living there now? A Yes, he is living there now.

Q Do you know how long he has been living in Kansas, how many years? A No, sir; I don't know how long he has been living in Kansas.

oooooooooo

Allen Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Allen Lynch.

Q What is your post office? A Vinita.

Q Do you know Mike Thompson? A Yes, sir.

Mr. Smith: How long have you known him? A I have known MIKE him about 20 years.

Q Do you know who owned him? A Yes, sir.

Q Who? A Jim Allen Thompson.

Q During the war do you know where he went, of your own knowledge?

A Yes, sir.

Q Where? A Down south, I don't know where to.

Q Do you know when he came back? A Not exactly; the first time I seen him after he came back I saw him in Fort Gibson.

Q When was that? A In the fall of 1866.

Q What is your business? A I don't know; I claim to be a Cherokee citizen.

Q How long have you lived in the Territory? A 61 years.

Mr. Davenport: Do you know how long Mike has been living in Kansas? A No, sir, I don't.

Q You know he is living there? A Yes, sir.

Q You know he has been living there for several years?

A He is there; I don't know how many years.

Q You know he has been there three or four years? A Yes, sir, along about the payment --

Q And he had been living there several years before the payment and had moved down to Vinita and lived there a few years? A Yes, sir.

Q Did you know him in Kansas in 1870? A I knew him always but didn't know where he lived.

Q He afterwards moved to Vinita and then moved back up there?

A Yes, sir.

Mr. Smith: Do you know after he went north whether he ever moved anywhere in Fort Gibson or not? A I don't know.

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John Melton, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Melton.

Q What is your age? A 64.

Q What is your post office address? A Bunch.

Mr. Smith: Do you know Mike Thompson? A Yes, sir.

Q How long have you known him? A I can't say how long I have known him; ever since he was a boy.

Q Knew him ever since ah before the war? A Yes, sir.

Q Do you know what became of him during the war? A Yes, sir, I know where he went to, I seen him when the war closed, he was out on the Red River, and he told what part of the Chickasaw Nation he was on; it was above a little place called Van in Texas, he lived above that.

Q Do you know what time he came back to the Cherokee Nation?

A The first time I saw him was along in the winter of 1866.

Q Where did you see him? A I seen him first on the other side of the river about Fort Smith, and then he come on this side of the river and he helped me to put up a house on Christmas day, and I don't know but what it was on a Sunday.

Q Build a house on Sunday? A It seems to me it was, but anyhow it was Christmas day.

Q Whose house was it? A I was putting it up to live in, it was on the Campbell place.

Q Do you know how long he stayed around here in the Cherokee Nation after that? A No, sir, I seen him off and on for two or three years, but I don't know where he would be when he was gone from me; sometimes he would come and stay at my house for a few weeks at my house.

Mr. Hastings: That was the first time you saw him, Christmas, when he helped you put up the house? A No, sir.

Q How long before that had you seen him? A I don't remember, some few weeks, and maybe a few months, I don't recollect.

Q He had been right around in your neighborhood? A Yes, sir, off and on; he was a pretty rambleysome kind of fellow; sometimes you would see him and sometimes he wouldn't be right by; he helped me put up the house.

Q You don't remember how long before that you saw him? A No, sir.

Q He told you he was just back from the south? A I don't remember what he did say about that.

oooooooooo

Lester Foreman, recalled, testified as follows:

Mr. Smith: Do you know whether this man Thompson ever moved back from Kansas to Fort Gibson or not? A Well now I don't know, I can't say: I have been here all the time: he might have moved back here, but I wouldn't say, I don't remember.

Q You don't remember? A No, I don't remember.

Q You mentioned something a while ago about going to one of his farms in the Cherokee Nation: where was that farm? A That was out in Delaware district.

Q Was there anything on it? A Yes, sir.

Q What? A A house and a farm.

Q Any stock? A I think there was some said to be his stock, he said so, I don't know.

Mr. Davenport: That is what is known as the Alexander Harris improvement place: that is what it is commonly known as in that country? A Yes, sir.

oooooooooo

Blue Thompson, recalled, testified as follows:

Mr. Smith: Something was said about your being in Kansas: did you ever move from Kansas to Fort Gibson? A Yes, sir.

Q Will state about that? A I was up in Kansas, and the place I moved to in Winita as Mr. Davenport spoke a while back, I had been in Kansas six or seven years and lived in Kansas six or seven years and before that I had moved back here with my family to live.

Q Do you remember when you moved back here? A I disremember, it was when Mr. Scott was mayor of the city, when Bushyhead was chief.

Q The first or second time? A I helped elect him the second time: the first time I came back; his second election I mean.

Q Is there anything else you want to state in connection with your case? A No, sir, I believe not.

Mr. Hastings: How long did you live here when you came back to Fort Gibson that time? A I was just studying: I was here when John Vann got killed over here: I don't know how long I stayed afterwards, I stayed quite a while.

Q You stayed here a year? A I expect, or more than a year I

S.S.-6.

Compact.

[illegible] Have you ever lived in any other section of the [illegible] Kansas and the Cherokee Nation, after you came back to the Cherokee Nation? A No, sir.

Q How far is it from the Territory line to where you live? A Three miles.

Q Are you married now? A Yes, sir.

Q Your wife a non citizen? A A non citizen.

The Kerne-Clifton pay-roll examined, and the applicants identified thereon as follows:

Blue Thompson on page 156, No. 3267, Tenmescowee district;
Edward Thompson on page 156, No. 3268, Tenmescowee district;
Ada Thompson on page 156, No. 3269, Tenmescowee district.

Q Did you draw strip money for daughter Bessie? A Yes, sir.

Q Under what name? A Bessie Thompson; there was a mistake made by the stenographer in taking the census and I said 14 years, and he said 41 I think, or going on 40.

Q You are satisfied on the Kerne-Clifton pay-roll there was a mistake made in the age? A Yes, sir, when the census came out it said 41 and I said 14, and when the stenographer was taking it down the wind was blowing in the house and he couldn't hear good.

Q From 14 to 41 was a pretty high wind, to blow her that much older than she was.

The Kerne-Clifton pay-roll examined, and the applicant, Bessie Thompson identified thereon, page 156, No. 3270, Tenmescowee district.

Examined over Dawes: The name of Blue Thompson and his three children, Bessie, Ada, and Edward, are found upon the Kerne-Clifton pay-roll. Their names are not found upon the authenticated roll of 1880 or the census roll of 1896. They are duly identified. And now comes the Cherokee Nation, by its representatives and protests against the enrollment of said Blue Thompson and his children and consequently final judgment as to his enrollment and that of his children will be suspended and their names will be placed upon a doubtful card.

oooooooooo

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 13th of April, 1901.

[signature]

Examiner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 12 1901

ACTING CHAIRMAN

E.C.44

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 10 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 10 1901

Post Office Ft Chetocha

District Coo —

1. Name Blue Thompson Age 57

Owner's name Jno. Q. Thompson Citizenship Cherokee

Year KC Page 156 No. 3867 District Coo —

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Chetopa Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. Bessie Thompson Year KC Page 156 No. 3870 Dist. Coo — 17

4. Ada Thompson Year KC Page 156 No. 3869 Dist. Coo — 13

5. Edward Thompson Year KC Page 156 No. 3868 Dist. Coo — 8

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No (1) Stenographer Jones B. C.

4

F. D. 44

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this ..... day of ..... A. D. 190 ...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of 3-1 190 2

Millard & Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

16

F0044.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 3 1902

NOTICE!

IN THE MATTER OF the application of Blue Thompson, Chetoa, Ker. for enrollment as Cherokee Freedmen:

Case No. F. D 44

To Blue Thompson or Lellette & Smith, his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902., at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

K B Bell

W. W. Hastings

Jas. Davenport

Attorneys for the Cherokee Nation.

Supl.-C.F.D.#44.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of BLUE THOMPSON as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mr. Mellette, of Counsel for applicant;
Mr. W. W. Hastings, Cherokee representative;

CHRIS WARNER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Chris Warner.
Q What is your age? A 48 years.
Q What is your post office? A Vinita.
Q How long has that been your post office? A Three years.
Q Where did you come from? A Oswego, Kansas.
Q Did you ever know a colored man up there by the name of Blue Thompson? A Yes, sir.
Q When did you first learn to know him? A '79.
Q Did you go there in '79, or he? A I come there.
Q Was he there when you come there? A Yes, sir.
Q How long did you continue to know him? A Eight or ten years.
Q Did he leave there? A Yes, sir.
Q Did he have a family? A Yes, sir.
Q Did you know his wife's name? A I have heard it, but I don't remember now.
Q Did you see him there frequently during that time? A Yes, sir.
Q All the time? A Yes, sir.
Q How big a place was Oswego 20 years ago? A Well 20 years ago there was more people in it them is now; about 3000 people, 25 or 3000.
Q 2500 or 3000? A Yes, sir.
Q Take any part in politics up there? A Yes, sir.
Q Active part? A He was always talking politics; he stayed with a man by the name of George Webb, that is where he stayed, worked around there, hostler like. He never done any labor what you call manual labor.
Q Have you ever seen him since you been down in the Territory? A I seen him up there near Bluejacket in a buggy and I saw him at Vinita one time, he said he was going to Fort Gibson the Dawes Commission was there.
Q What size man is he? A I guess he will waigh about 230 pounds, square built, heavy.
Q During these 20 years do you think he lived there all the time? A Yes, sir, his family did; he had a house there.
Q Did you know of his voting? A I wouldn't say I do, but I think he did. I guess the record there would show, the Oswego record.
Q You say it would show? A Yes, sir.

MR. MELLETTE:

Q Mr. Warner, you first knew this man in 1879? A Yes, sir.
Q You don't know where he was in 1866? A No, sir.
Q You don't know whether he lived in the Cherokee Nation for ten years after 1866 or not, do you? A I don't know a thing about that.
Q How far is Oswego, Kansas, where you knew him from the line of the Cherokee Nation? A 12 miles and a half.

Q You don't pretend to say that Blue Thompson was there at Oswego all the time while you were there? A No, sir.
Q That is you don't intend to say he didn't come down to the Nation at any time? A No, sir; he had a family there.

JOSEPHINE HAVE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

Q What is your name? A Josephine Have.
Q How old are you? A 60.
Q What is your post office? A Vinita.
Q How long has that been your post office? A About five years.
Q Where did you come from there? A Oswego.
Q Did you ever now a colored man up there by the name of Blue Thompson? A Yes, sir.
Q When did you first learn to know him? A '86.
Q When did you first go to Oswego? A '86.
Q When you went there he was there? A Yes, sir.
Q How long did you continue to know him there? A About six years.
Q Did he have a family? A Yes, sir.
Q Do you remember his wife's name? A Her name is Mary, woman he had at that time.
Q Well, do you know whether he has the same woman now or not? A Yes, sir, I think he has.
Q You know this Blue Thompson who was an applicant for enrollment? A Yes, sir.
Q Comes around Vinita frequently? A Yes, sir.
Q Is this the same Blue Thompson? A Yes, sir.
Q He had his family up there with him? A Yes, sir.
Q He lived there? A Yes, sir.
Q Now, did you ever miss him for any length of time out of Oswego since you knew him? A No, sir.
Q In other words did you see him frequently? A Yes, sir.
MR. MELLETTE:
Q Did Blue come down to the Cherokee Nation at any time while you were there? A No, sir, he come to Chetopa.
Q Well, do you know that he didn't come into the Cherokee Nation? A He may have come for that.
Q How far is Oswego from the line of the Cherokee Nation; 12 miles and a half isn't it? A Yes, sir, maybe longer than that.
Q He came to Chetopa, that is right on the line isn't it? A It is four miles and a half, they say; what they always said.
Q You knew him about six years in Oswego? A Yes, sir.
Q Well, did you see him every day? A I saw him twice a week and sometimes oftener.
Q You say you always saw him twice a week? A No, not always.
Q You saw him off and on there in Oswego, Kansas? A Yes, sir, that was his home.
Q You don't know where he was in 1866, do you? A No, sir, I don't know anything about that.

STUDE DYKUS, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

Q What is your name? A Stude Dykus.
Q Where do you live? A I live in Tahlequah now.
Q How old are you? A 54.
Q You ever live in Oswego, Kansas? A Yes, sir

Q When did you leave there? A I lived in Oswego, Kansas, I went; I went to Kansas when Gen. Grant run the second time for President.
Q That was in 1872; that is the only way you fix the date? A Yes, sir.
Q Did you ever know a colored man up there by the name of Blue Thompson? A Yes, sir.
Q Well, when did you learn to know him up there? A Well, I knowed him before he went there.
Q Where did you know him? A Time I was a soldier.
Q Well, when did you know him in Oswego? A I knew him there in '72, I knew him now.
Q Well, how long did you know him in Oswego, Kansas? A 15 years.
Q Did he have a wife? A Yes, sir.
Q Did he live up there? A Lived there with his family.
Q With his family? A Yes, sir.
Q Take part in the elections? A Yes, sir, took part in city elections.
Q Any differences between him and anybody else on election day?
A He was a pretty good talker.

MR. MELLETTE:

Q When did you first know Blue Thompson at Oswego? A Well, Mr. Mellette, I knowed him a few days after I went to Oswego.
Q When was that? A Along in '72.
Q Did he livedthere at that time? A No, sir, he didn't live there at Oswego at that time.
Q Where did he come from? A My understanding was he was living in Chetopa.
Q That is down right on the line of the Cherokee Nation?
A Well, they call it three miles I suppose.
Q You don't know as a matter of fact where he did live?
A Not only his word at that time; in a year after that of course he come to Oswego.
Q But when you first knew him he was just visiting Oswego?
A Just visiting, passing there.
Q How far is Oswego from the Cherokee Nation? A About 13 miles.
Q Do you know where Blue Thompson lived in 1898, on the 1st day of July? A If I mistake not I think he lived in Oswego.
Q Will you swear he did? A I have been here.
Q How long have you been down here? A I have been here ten years.
Q Well, say; do you swear he was in Oswego in 1898? A Because he was down here at the Census.
Q What census? A The colored census.
Q I am ~~xxxxx~~ talking about the first day July, 1898, now?
A Well, I don't know.
Q Did you have his word; now that he been say three years ago; now do you know where he lived then? A Not only his word.
Q What did he tell you? A He was telling me about Chetopa.
Q When did he tell you that? A When he was at my house last.
Q When was that? A I saw him at Gibson.
Q When was that? A At the time they paid off down there.
Q What year was that? A I can't remember the year.
Q Now, how can you remember when they paid off at Gibson if you can't remember these other things; now you are swearing three years ago you saw Blue Thompson in Oswego, Kansas? A No, sir, I say I saw him when I was soldiering.
Q When did you first see Blue Thompson in Oswego? A I saw him in 1872.
Q Then you don't know when the freedmen payment was at Fort Gibson, do you? A I think it was about four years ago.
Q I will ask you if Blue Thompson was not living in Vinita at that time? A I can't tell you, I ain't got nothing only Blue's word. I never stopped in Vinita to see him.

MR. HASTINGS:

Q You don't live at Vinita? A No, sir.
Q You have been living at Tahlequah? A Yes, sir.

BENJAMIN NAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

Mr. Mellette: I object to the admission of this testimony because the witness has been sitting in the room and has not been under the rule.

MR. HASTINGS:

Q What is your name? A Benjamin Nave.
Q What is your age? A 40 years old the 12th day of next October.
Q Are you the husband of Josie Nave, who testified in this case?
A Yes, sir.
Q Do you know Blue Thompson, the applicant? A Yes, sir.
Q How long have you known him? A Ken him ever since I was a small boy.
Q Did you know him in Oswego, Kansas? A Yes, sir.
Q When did you know him there? A I get acquainted with him in Oswego before the payment.
Q Where was that, Oswego, or Chetopa? A Oswego.
Q Do you know where he is living now? A Yes, sir.
Q Where? A Chetopa, Kansas.

MR. MELLETTE:

Q Has he got a farm down in the Cherokee Nation?
A Not as I knows of.
Q You don't know whether he has or not? A I don't know sir; he owns a pretty good place there at Chetopaa.
Q I will ask you if he was not living in Vinita in 1894?
A No, sir, he moved to Vinita in 1896 from Chetopa.

MR. HASTINGS:

Q Does he own a house in Chetopa? A Yes, sir.
Q ~~xxx with him~~
Q House he lives in? A Yes, sir.

---oooOOOooo---

I, J. O. Rosson, do here by certify that as stenographer to to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the above and foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

Cherokee Freedmen D 444

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Blue Thompson for the enrollment of himself and minor children, Bessie, Ada and Edward Thompson, as Cherokee Freedmen.

-: D E C I S I O N :-

The record in this case shows that on April 10, 1901, Blue Thompson appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself and minor children, Bessie, Ada and Edward Thompson, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 4, 1902.

The evidence shows that the applicant, Blue Thompson, was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during said rebellion but returned thereto within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of Freedmen to the Cherokee Nation.

The evidence further shows that the applicant, Blue Thompson, has resided in the Cherokee Nation and in the state of Kansas since his return to said Cherokee Nation, but it also appears that he has owned improvements in the Cherokee Nation during the time he was residing in the state of Kansas.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al. (I.T.D. 2900-1903), that the said Blue Thompson, Bessie Thompson, Ada Thompson, and Edward Thompson should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

Commissioner.

DCJ

Cherokee F-1307

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., June 3, 1904.

In the matter of the application of BLUE THOMPSON for the enrollment of himself and his children, BESSIE and EDWARD THOMPSON and ADA PETTIT, formerly Thompson, as Cherokee freedmen.

SUPPLEMENTAL TESTIMONY.

ADA PETTIT, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ada Pettit.
Q How old are you? A 16.
Q What is your postoffice address? A Fort Gibson.
Q Are you a Cherokee freedman? A Yes sir.
Q Is your father named Blue Thompson? A Yes sir.
Q Under what name were you enrolled? A Under the name of Thompson.
Q Have you married since you were enrolled? A Yes sir.
Q When were you married? A 4th day of March.
Q This year? A Yes sir.
Q Who were you married to? A Sam Pettit.
Q Is he a Cherokee freedman? A Yes sir.
Q Is he enrolled by this Commission? A No sir.
Q Is he on the '80 roll? A Yes sir.
Q Are you and Sam Pettit living together now? A Yes sir.

----o----o----o----

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is an accurate and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 6th day of June, 1904.

J. Rennie
Notary Public.

Cherokee P-1507

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., August 18, 1904.

In the matter of the application of Blue Thompson for the enrollment of himself and children, Bessie, Ada and Edward Thompson as Cherokee freedmen, Cherokee P-1507.

SUPPLEMENTAL TESTIMONY.

Bessie Frazier, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Bessie Frazier.
Q How old are you? A 20 years old.
Q What is your postoffice? A Muskogee.
Q Are you a Cherokee freedman? A Yes sir.
Q Under what name were you enrolled by the Commission? A Thompson.
Q What was your father's name? A Blue Thompson.
Q Have you married since you were enrolled? A Yes sir.
Q When were you married? A Married 1st day of July, 1901?
Q Who were you married to? A Calvin Frazier.
Q Is he a Cherokee freedman? A No sir, he is a Creek.
Q Are you and Calvin Frazier living together now? A No sir.
Q Have you been divorced from him? A No sir.
Q Just separated? A Yes sir, just separated.

- - - - - -

I, May Hudson, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

May Hudson.

Subscribed and sworn to before me this 18 day of August, 1904.

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Blue Thompson,
Chetopa, Kansas,
Cherokee F-D-44
Register.
Copy to Mellette & Smith,
Vinita, I.T.

Cherokee Freedmen
944.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Blue Thompson for the enrollment of himself and his minor children, Bessie, Ada and Edward Thompson, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. B-9

Commissioner in Charge.

Cherokee Freedmen
D-44.

Muskogee, Indian Territory, April 21, 1904.

Elmo Thompson,

Chetopa, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, granting your application for the enrollment of yourself and your three minor children, Bessie, Ada and Edward Thompson, as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-20.

Cherokee Freedmen
D-44.

Muskogee, Indian Territory, April 21, 1904.

Elgar Smith,

Attorney for Elsa Thompson et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, granting the application of Elsa Thompson for the enrollment of himself and his three minor children, Bessie, Ada and Edward Thompson, as Cherokee freedmen.

Respectfully,

Chairman.

Register

Doc. D-44.

COPY.

Muskogee, Indian Territory, November 14, 1904.

C. H. Hildebrand,

Tahlequah, Indian Territory.

Dear Sir:

The Commission to the Five Civilized Tribes is in receipt, by reference from the Secretary of the Interior, of your letter of November 4, asking to be advised as to the status of the application for the enrollment of Dennis and Grant Thompson and Lewis Wright as Cherokee freedmen.

In reply, you are advised that the names of the above named parties were placed upon a final schedule of Cherokee freedmen which was forwarded, on November 2, 1904, to the Secretary of the Interior for his approval. It is impossible for the Commission to state definitely when said schedule will be approved by the Secretary, but it is supposed that such action will be taken in the near future.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Dawes Commission
Muskogee, I.T.

Muskogee, Indian Territory, November 20, 1896.

G. M. Robinson,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of November 4, asking to be advised as to the status of the application for the enrollment of Bessie and Grant Thompson and Laura Wright as Cherokee freedmen.

In reply, you are advised that the names of the above mentioned parties appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 14, 1896, opposite numbers 3826, 3975 and 3976 respectively.

You are further advised that said persons will be permitted to appear before the Cherokee Land Office and make allotment selections as soon as their tickets of admission are received in the regular order.

Respectfully,

Tams Bixby.
Chairman.

Cher Fr 1201

See Cher Fr 571

Cher. Fr. 1308

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 19 1901

ACTING CHAIRMAN

ORIGIN OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 19 1901

Post Office Muldrow

District Ky.

1. Name ..... Age .....
Owner's name ..... Citizenship .....
Year ..... Page ..... No. ..... District .....
Parents:
Father ..... Citizenship .....
Mother ..... Citizenship .....

2. Name of wife ..... Age .....
Owners name ..... Citizenship .....
Year ..... Page 703. No. ..... District .....
Parents:
Father ..... Citizenship .....
Mother ..... Citizenship .....

Names of Children:

3. Debbie ~~Watson~~ Bean Year 96 Page 1124 No. 462 Dist. Sey. 18
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Dennis Bean Stenographer Van Weiss Clerk.

To be filed in the case of Bobbie William Bean ——REJECTED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April 19th 1901.

In the matter of the application of Dennis Bean for the enrollment of himself and one child as Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Dennis Bean.
Q How old are you? A. 48.
Q What is your post office address? A. Muldrow.
Q What district do you live in? A. Sequoyah.
Q Do you make application for enrollment as a Cherokee Freedman? A Yes sir.
Q Have you ever applied for enrollment as a Freedman of any other nation? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q Do you desire to enroll anyone besides yourself? A. Yes sir I have one boy.
Q What is his name? A. Bobbie William Bean.
Q How old is he? A. 18.
Q What is the name of his mother? A. Mary Hudson.
Q Is she dead? A. Yes sir.
Q Was she a Cherokee Freedman? A. No sir.
Q Were you married to Mary Hudson? A. No sir.
Q Did you live with her as your wife? A. Yes sir.
Q You say she was not a Cherokee Freedman? A. No sir.
Q How long did you live with Mary Hudson? A. Aboutfive years.
Q Were you recognized in the community in which you lived as man and wife? A.I dont reckon I was.
Q Were you ever married before you lived with her? A. No sir.
Q Have you married since? A. Yes sir.
Q Are you married now? A. Yes sir.
Q What is your present wife's name? A. Sallie.
Q Is she a citizen? A. No sir.
Q Is your name on the 1880 roll as Bean? A No sir as Johnson.
Q What is your mother's name? A. Alsie Johnson.
Q Was she a Cherokee Freedman? A. Yes sir.
Q She registered you as Johnson, but your proper name is Bean? A. I went by the name of my father but she has me put down as Johnson.
Q Were your father and mother ever married? A. I dont know.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant identified thereon as follows: Page 705, No. 662, Dennis Johnson, Sequoyah district.

The 1896 census roll of the Cherokee Nation examined and the names of the applicants identified thereon as follows: Page 1194, No 62, Debora Johnson, Sequoyah district.

Q Have you always lived in the Cherokee Nation? A. Yes sir.
Q Living there now? A. Yes sir.

By Cherokee Representative L. B. Bell:

Q How long did you and her live together? A. 4 or 5 years.
Q Did you keep house together? A. Yes sir, she lived in the house with me.
Q You took her home with you as your wife did you? A. She lived in the house with me.
Q You took her home with you as your wife did you? A. She was living in the same house with me.
Q But I ask did you take her there as your wife? A. There wasn't

any one else there but he and her.
Q You took her there as your wife and introduced her to your friends as your wife, and held her out as your wife? A. They all knew how we was living.

By the Commission:

Q Was there any other woman living there with you ben? A. No sir.

By L. E. Bell-

Q As a matter of fact you didn't consider her as your wife? A. May be I didn't.

ALBERT JOHNSON, called and sworn as a witness testified as follows:

Q What is your name? A. Albert Johnson.
Q How old are you? A. 45.
Q What district do you live in?A . Saquoyah.
Q What's your post office address? A. Bunga.
Q Are you a recognized Cherokee Freedman? A. Yes sir.
Q Do you know Dennis Bean? A. Yes sir.
Q Did you know a woman named Mary Hudson with whom he was living with as his wife ? A. I knowed a woman he was living with at that time,
Q How long did he live with her?A. I cant tell.
Q About how long? A A number of years.
Q Was there a child born to them while they were living together? A Yes sir.
Q What is its name? A. They calls it Debbie.
Q Did the neighbors consider them to be living together as man and wife? A. I guess so, I never heard anything to the contrary.
Q Do you know whether or not they were married? A. I cant tell that.

By Com'r Needles,-

The name of Dennis Bean appears on the euntheniticated roll of 1880 as Dennis Johnson; he avers that he was registered by his mother, whose name was Johnson. He is duly identified thereon according to the page and number of the roll, and makes satisfactory proof, as to his residence, and is also identified on the census roll of 1896; consequently he will be listed for enrollment as a Cherokee Freedman.
He also applies for the enrollment of his child, Debbie William Bean who is 18 years of age. He avers that he is the son of Mary Hudson, with whom he lived, but acknowledges that he was never married to her. Testimony additional to his own is given as to his relationship wih he mother of this child; the child's nam is found on he census roll of 1896. By reason of the testimony, as to his not having married the said Mary Hudson who was a Non-citizen, and also as to the testimony as to the relations existing between them, the name of he child Debbie William Bean will be placed on a doubtful card as a Cherokee Freedman.

* * * * * * * * * *

Chas. van Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Muskogee Nation I.

Chaunceyville

Subscribed and sworn to before me this the 26th of April, 1901, at Fort Gibson, I. T.

C. R. Breckinridge

Commissioner.

SUPPLEMENTAL D 118

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 19,1901.

In the matter of the application of Debbie W. Bean for the enrollment of himself as a Cherokee Freedman;
Colly Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Colly Albert.
Q How old are you? A 61.
Q What is your post-office? A Kelvin.
Q How long have you lived in the Cherokee Nation? A I have been raised here in the Cherokee Nation.
Q Lived here all your life? A Yes sir.
Q You want to give some testimony about the child of Dennis Bean? A Yes sir.
Q What is the name of that child? A Debbie, that is the name he always went by.
Q How old is the child? A I disremember exactly what age he is; he was born some where along the year or so after 1880.
Q Is this a child of, you say, of Dennis Bean? A Yes sir. It was always said to be his child since I have known him; I have known him from a child.
Q Give me the name of the mother of that child? A Mary Hutchinson.
Q Is she alive now? A I don't know sir, I haven't saw her for several years.
Q Was she a Cherokee Freedman? A I don't know sir.
Q Or was she a state woman? A I don't know sir, anything about that.
Q How long have you known Dennis Bean? A I have been knowing him about 27 or 28 years I reckon.
Q When did you first know this woman Mary Hutchinson, how long before she lived with Dennis Bean? A I knowed her about three years I reckon before I seen her with Mr. Dennis Bean ; three or four years.
Q You knew her before she married him? A Yes sir. I never knew her to marry him; I didn't know they were married at all.
Q Did you ever know Dennis Bean to be married before he lived with this woman Mary Hutchinson? A No sir.
Q Did he live with any other woman before he lived with her? A Not as I know of.
Q You lived neighbor to him some years before he lived with this woman? A Yes sir, I lived neighbor to him about three or four years.
Q And did he pass as a young unmarried man? A Yes sir.
Q Did you ever know this woman Mary Hutchinson to live with any man as his wife before she lived with Dennis Bean? A Yes sir.
Q Who did she live with? A Man by the name of Hutchinson.
Q What aged woman was she when she took up with Bean? A I couldn't tell you.
Q She was a young woman was she? A Yes sir, ~~it was~~ tolerable young woman.
Q What was her name before it was Hutchinson? A I don't know, sir, exactly, what her name was.
Q She was living with a man named Hutchinson when you first knew her? A Yes sir.
Q Did she have any children by this man Hutchinson? A I think she did.
Q How long did she and Hutchinson live together? A I couldn't tell you that.
Q Did she live in your neighborhood? A Yes sir, awhile.
Q ~~[illegible]~~ They were keeping house together? A Yes sir.

Debbie W. Bean supplemental 2

Q She went by his name? A Yes sir.
Q Did they part? A Yes sir.
Q What became of Hutchinson? A I don't know sir, what became of him; I never knowed where he went.
Q He just went off? A Yes sir, I never knowed where he went.
Q Have you ever heard of him since? A Yes sir, once or twice I believe since that.
Q How long ago? A About a year or two after he quit this woman.
Q Did she take up with Bean pretty quickly after she and this man Hutchinson parted? A It was some time after.
Q You heard of him some time after she had taken up with Bean?
A Yes sir.
Q Where did you hear of him then? A I heard of him at Ft. Smith.
Q That was the last time you heard of him? A Yes sir.
Q Was this woman living in your neighborhood when she and Hutchinson parted? A Yes sir.
Q Did she get any divorce that you know of? A No sir, I didn't know that she did.
Q They just parted? A Yes sir.
Q And Hutchinson went off? A Yes sir.
Q And she took up with Bean? A Yes sir.
Q Did she go by Bean when she took up with him? A No sir, not as I know of.
Q Did she live in the same house with him? A Yes sir.
Q They kept house together? A Yes sir.
Q Did he hold her out to the community as his wife? A I don't know about that; I how they lived in the house together; whether he held her out public as his wife I don't know.
Q What did the neighbors call her? A Always called her Mrs. Hutchinson.
Q How long did she and Dennis Bean live together? A I couldn't recollect, now, exactly, how long they lived together.
Q This woman, Mary Hutchinson, is she dead? A I don't know sir.
Q Did they live together some years up in your neighborhood? A Yes sir; they lied there some two or three years I think.
Q And then did they move away? A Yes sir, she did.
Q They parted did they? A I reckon so- you mean Mr. Bean?
Q Yes, and this woman Mary, they parted did they? A Yes sir.
Q After living together a few years? A Yes sir.
Q And what became of her do you know? A No sir, I don't know what became of her after she left.
Q That's all you know about them? A That's all I know about them at all.

Examined by Cherokee Representative, L.B.Bell:

Q Has Dennis got a wife now? A I don't know sir; I heard about four or five months ago that he is married; I don't how; I don't live close to him now. I live up on Fourteen Mile Creek, and he is living in Cooweescoowee.

---***---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green.

Subscribed and sworn to before me this April 20, 1901.

C R Breckinridge.

Commissioner.

SUPPLEMENTAL D 116

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson I.T., April 19,1901.

In the matter of the application of Debbie W. Bean for the enrollment of himself as a Cherokee Freedman;
Colly Albert, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Colly Albert.
Q How old are you? A 61.
Q What is your post-office? A Melvin.
Q How long have you lived in the Cherokee Nation? A I have been raised here in the Cherokee Nation.
Q Lived here all your life? A Yes sir.
Q You want to give some testimony about the child of Dennis Bean? A Yes sir.
Q What is the name of that child? A Debbie, that is the name he always went by.
Q How old is the child? A I disremember exactly what age he is; he was born some where along the year or so after 1880.
Q Is this a child of, you say, of Dennis Bean? A Yes sir. It was always said to be his child since I have known him; I have known him from a child.
Q Give me the name of the mother of that child? A Mary Hutchinson.
Q Is she alive now? A I don't know sir, I haven't saw her for several years.
Q Was she a Cherokee Freedman? A I don't know sir.
Q Or was she a state woman? A I don't know sir, anything about that.
Q How long have you known Dennis Bean? A I have been knowing him about 27 or 28 years I reckon.
Q When did you first know this woman Mary Hutchinson, how long before she lived with Dennis Bean? A I knowed her about three years I reckon before I seen her with Mr. Dennis Bean ; three or four years.
Q You knew her before she married him? A Yes sir. I never knew her to marry him; I didn't know they were married at all.
Q Did you ever know Dennis Bean to be married before he lived with this woman Mary Hutchinson? A No sir.
Q Did he live with any other woman before he lived with her? A Not as I know of.
Q You lived neighbor to him some years before he lived with this woman? A Yes sir, I lived neighbor to him about three or four years.
Q And did he pass as a young unmarried man? A Yes sir.
Q Did you ever know this woman Mary Hutchinson to live with any man as his wife before she lived with Dennis Bean? A Yes sir.
Q Who did she live with? A Man by the name of Hutchinson.
Q What aged woman was she when she took up with Bean? A I couldn't tell you.
Q She was a young woman was she? A Yes sir, ~~it was~~ tolerable young woman.
Q What was her name before it was Hutchinson? A I don't know, sir, exactly, what her name was.
Q She was living with a man named Hutchinson when you first knew her? A Yes sir.
Q Did she have any children by this man Hutchinson? A I think she did.
Q How long did she and Hutchinson live together? A I couldn't tell you that.
Q Did she live in your neighborhood? A Yes sir, awhile.
Q ~~[illegible]~~ They were keeping house together? A Yes sir.

Q She went by his name? A Yes sir.
Q Did they part? A Yes sir.
Q What became of Hutchinson? A I don't know sir, what became of him; I never knowed where he went.
Q He just went off? A Yes sir, I never knowed where he went.
Q Have you ever heard of him since? A Yes sir, once or twice I believe since that.
Q How long ago? A About a year or two after he quit this woman.
Q Did she take up with Bean pretty quickly after she and this man Hutchinson parted? A It was some time after.
Q You heard of him some time after she had taken up with Bean?
A Yes sir.
Q Where did you hear of him then? A I heard of him at Ft. Smith.
Q That was the last time you heard of him? A Yes sir.
Q Was this woman living in your neighborhood when she and Hutchinson parted? A Yes sir.
Q Did she get any divorce that you know of? A No sir, I didn't know that she did.
Q They just parted? A Yes sir.
Q And Hutchinson went off? A Yes sir.
Q And she took up with Bean? A Yes sir.
Q Did she go by Bean when she took up with him? A No sir, not as I know of.
Q Did she live in the same house with him? A Yes sir.
Q They kept house together? A Yes sir.
Q Did he hold her out to the community as his wife? A I don't know about that; I know they lived in the house together; whether he held her out public as his wife I don't know.
Q What did the neighbors call her? A Always called her Mrs. Hutchinson.
Q How long did she and Dennis Bean live together? A I couldn't recollect, now, exactly, how long they lived together.
Q This woman, Mary Hutchinson, is she dead? A I don't know sir.
Q Did ~~she~~ they live together some years up in your neighborhood? A Yes sir; they lived there some two or three years I think.
Q And then did they move away? A Yes sir, she did.
Q They parted did they? A I reckon so- you mean Mr. Bean?
Q Yes, and this woman Mary, they parted did they? A Yes sir.
Q After living together a few years? A Yes sir.
Q And what became of her do you know? A No sir, I don't know what became of her after she left.
Q That's all you know about them? A That's all I know about them at all.

Examined by Cherokee Representative, L.B.Bell:

Q Has Dennis got a wife now? A I don't know sir; I heard about four or five months ago that he is married; I don't kow; I don't live close to him now. I live up on Fourteen Mile Creek, and he is living in Cooweescoowee.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 20,1901.

R Breckinridge.

Commissioner.

TO THE FILE
FILED
APR 20 1901

Cherokee Freedmen D-116.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Debbie W. Bean as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 19, 1901, Dennis Bean appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of his minor son, Debbie W. Bean, as a Cherokee Freedman. Dennis Bean himself was also included in the application, but he is differently classified, and is not embraced in this decision.

The evidence shows that the applicant, Debbie W. Bean, was born since 1880, and is the minor child of Dennis Bean, who is identified by the name of Dennis Johnson on the 1880 authenticated roll. The name of Dennis Bean also appears upon a partial roll of Cherokee Freedmen approved by the Secretary of the Interior January 16, 1903, at No. 1463.

The evidence further shows that the said Dennis Bean has resided all his life in the Cherokee Nation; and it is considered that the said Debbie W. Bean has always resided with his father.

It is, therefore, the opinion of this Commission that Debbie W. Bean should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Debbie V. Bean,
Muldrow , I.T.
Cherokee F-D-116
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-116.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Dennis Bean for the enrollment of his minor son, Dobbie W. Bean, as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-7.

Commissioner in Charge.

Cherokee Freedmen
D-116.

Muskogee, Indian Territory, April 21, 1904.

Dennis Bean,

Muldrow, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, granting your application for the enrollment of your minor child, Debbie W. Bean, as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-19.

Cher Fr 1309

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 3rd, 1901.

In the matter of the application of Whitie Hill for the enrollment of his child, DONIE HILL, as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Whitie Hill.
Q How old are you? A I don't know exactly, I guess about 60 years old.
Q What is your post-office address? A Hayden, Post-Office.
Q What district do you live in? A Coowescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I just want to enroll my girl. I am a state man, you understand.
Q You apply for the enrollment of your little girl? A Yes sir.
Q What is your little girl's name? A Donie Hill.
Q How old is she? A About thirteen.
Q You are a state man? A Yes sir.
Q You don't apply for yourself? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Finis Downing, Finis Hill now.
Q Is she the mother of Donie? A Yes sir.
Q Is your wife living? A No sir. She is dead.
Q Is your wife's name on the roll of 1880? A I don't know; I expect she was, yes sir, I guess she was.
Q What was her father's name? A Reuben Downing.
Q Is he living? A No he is dead.
Q What was her mother's name? A I don't know what her mother's name is.
Q Her mother is dead? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Is this your own child by Finis Downing? A Yes sir.
Q When did you marry Finis Downing? A It has been about 18 years.
Q What name did she go by at that time? A She went by the name of Finis Downing.
Q She never had been married before? A I guess she had been married before; I never inquired about what she had been married.
Q Didn't you know what her name was? A She was named Finis Downing I tell you.
Q You didn't know her former husband's name? A No.
Q You never heard? A Well, of course I have heard she married a man once named of Carter.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's wife and name not found;

ELIAS DOWNING, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Elias Downing.
Q What is your age? A About 80.
Q You are a Cherokee Freedman? A Yes sir.
Q On the 1880 roll? A No sir.
Q You know Whitie Hill? A Yes sir.
Q You know his child, Donie? A Yes sir.
Q Did you know Donie's mother? A Yes sir.
Q Finis Downing? A Finis Downing.
Q Was she on the roll of 1880? A She was enrolled with her father, Reuben Downing, she was married I think in 1880, and she [illegible] left the old man then after she married her first husband.

Waitie Hill for child Denie Hill 2

Q What was her first husband's name? A Robert Carter.
Q Did she ever go by any other name beside Finis? A No sir.
Q Her father is not living? A No sir.
Q What was her mother's name? A Jennie Downing.
Q Is she living? A No sir, she is dead.
Q Did you know Finis's mother? A Yes sir, that was my mother.
Q What was her mother's name? A Jennie Downing.
Q Was Jennie Downing upon that roll of 1880 A No sir, she died in Kansas.
Q Jennie Downing and you were brother and sister? A That was my mother.
Q Was Finis Dowing your sister? A Yes sir.
Q And your name is not upon the roll of 1880?A No sir.
Q Was Finis Dowing a slave? A Yes sir, she was born a slave.
Q Who did she belong to? A Eliza Wright.
Q She a Cherokee citizen? A Yes sir.
Q Where was Finis born? A On Grand River in Cooweescoowee Distrid
Q Was she taken out during the war? A Yes sir.
Q Where to? A Kansas.
Q When did Jennie Downing and her child, Finis, return to the Cherokee Nation? A Jennie Downing never did come back, she died in Kansas; but Reuben Downing returned with them two children in '66.
Q That is with Finis and-? A Finis and Ailey.
Q Did Finis live in the Cherokee Nation from '66 up until her death? A Yes sir, she lived with her father up until she married.
Q And she married Mr. Carter? A Yes sir, herfirst husband.
Q Denie Hill is her child? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q When did you go , North or South? A I went South.
Q Were you up in Kansas when your mother died? A No sir.
Q You know what year she died in? A I don't know what year she died
Q After the war closed? A About the closing of the war, some time about that time.
Q Your father go North or South during the war? A He went North.
Q Your father wasn't in Texas? A No sir.
Q You come from Texas up here? A Yes sir.
Q Did you come back with one of these Couches? A No sir.
Q Did you belong to the Couch family? A Yes sir, I belonged to Eliza Wright family; Couch married one of Eliza Wright's daughters.
Q Pete and Sam Couch? A Yes sir.
Q Did you come back with either one of these? A No sir.
Q You are disputed yourself? A I guess I am disputed.
Q You know you are don't you? A Yes, I have been disputed, yes.
Q You were not in Kansas were you? A No sir.
Q Who did you come back to the Cherokee Nation with? A Come back with some men that was driving cattle from Texas.
Q You come on a visit at that time? A Yes sir.
Q About what time in the year was that? A It was along in '66, I started from there in May.
Q What time did you reach here? A It was along about August sometime, between August and September.
Q How long did you remain at that time? A I staid here a year or little over.
Q Now what time did your father return? A He returned here in '68 when he come down here; of course I wasn't here then.
Q You didn't see him?A No sir.
Q Did you see him when you come? A Yes sir, I saw him, and stayed with him.
Q Was your mother dead then? A Yes sir.
Q She died before that time? A Died before he come back down here.

Waitis Hill for child Donie Hill 3

Q Were these two girls there with him when he come? A Yes sir, I found these two girls and my brother, Zebedee there with him.
Q What was the other one's name? A Ailey.
Q Who did she marry? A She married a man named Bean, her last husband.
Q She is not on the 1880 roll? A No sir.

By Commissioner Needles:

Q Do I understand that Reuben Downing was your father? A Yes sir.
Q And he was the father of Finis? A Yes sir.
Q But Finis' mother and your mother were different women? A Same mother.
Q Are you full brother to Finis? A Yes sir, I am a full brother to Finis.
Q You were on the 1880 roll? A No sir.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q Your father and mother were known as man and wife? A Yes sir, they lived together as long as I can recollect as man and wife.
Q About how many years was that? A Oh I reckon up to the war, they was living together then.
Q When did your mother die? A It was after they went from here to Kansas; she died in Kansas; she never returned back here.
Q When did your father die? A It was been 13 or 14 years ago, somewheres about that time.

Examined by Cherokee Representative, W.W.Hastings:

Q About how old was Finis when the war come up? A Well Finis must ave been two years old, when the war come up.

Examined by Commissioner Needles;

Q You know the reason, Mr. Downing, that your and your sisters were not on the roll of 1880? A Well I couldn't exactly tell you, but they just never would put us on there; that's all I can tell you.

COLUMBUS MCNAIR, being sworn and examined by Commissioner Needles, testified as follows:

Q Waatis your name? A Columbus McNair.
Q What is your age? A 51.
Q Whatis your post-office? A Vinita.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Do you know Waitis Hill? A Yes sir.
Q You know his child, Donie? A Yes sir, I know her.
Q Did you know Donie's mother? A Yes sir.
Q What was her name? A Finis.
Q Was Finis a slave? A Yes sir.
Q Who did she belong to? A Her mother, she was carried out here small, and her mother used to belong to Eliza Wright.
Q What was her mother's name? A Jennie Downing.
Q What was her father's name? A Reuben Downing.
Q Well now do you know where Finis,-- where was Finis in '66? A I don't know; I never saw her then.
Q You don't ? A No sir.
Q You never saw her until after that? A No sir.
Q Did you know Jennie Downing? A Yes sir.
Q Was she taken out of the nation during the war? A Yessir, I guess she was, I was carried south.
Q You know when Jennie come back to the Cherokee Nation? A No sir, I never saw her after the war at all. She died in Kansas I guess.

Waitis Hill for chaid Donie Hill 4

Q You knew Reuben? A Yes sir.
Q When did Reuben come back? A I don't know.
Q Was he here when you come back? A Yes sir.
Q When did you come back? A I come back in '66.
Q He was here when you come back? A I never saw him until way after '66.
Q You don't know whether he was here in '66 or not then? A no sir

Examined by Cherokee Rep've Hastings:

Q You don't know what year Finis died? A no sir.

Applicant recalled, and further examined, by Commissioner Needles:

Q Did you draw Strip money for Donie? A Yes sir.

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 150 #3707 Dona Hill, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and Reuben Downing identified as follows:
page 243 #696 Reuben Downing, Delaware District, adopted col'd, 65 years old, marked "dead"

Q You are a non-citizen are you Mr. Hill, yourself? A Yes sir.

Witness, COLUMBUS McNAIR, recalled, and further examined;
By Commissioner Needles:

Q You how that Waitis Hill was married to Finis Downing? A They lived as man and wife right there by me; I didn't see them married.

Com'r Needles: Watis Hill applies for the enrollment of his daughter, Donie Hill; as a Cherokee Freedman; he avers that he is a non-citizen; he avers that he was married to one Finis Downing, who is the mother of said Donie Hill; satisfactory proof is made to the fact that Finis Downing is a daughter of Reuben Downing and Reuben Downing's name isfound upon the authenticated roll of 1880 as per page and number of the roll as indicated inthe testimony. The name of the mother of Donie Hill to-wit: Finis Downing, cannot be identified upon the roll of 1880; Donie Hill is identified upon the Kern-Clifton roll; she makes satisfactory proof as to residence; and citizenship, reference is made to the testimony; consequently Donie Hill will be listed for enrollment as a Cherokee Freedman upon a doubtful card; she will be notified of the decision of the Commission when rendered.

------********------

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 5, 1901.

Commissioner.

B. F. D. 492

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 3 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 3 1901

Post Office Hayden, I.T.

District Navajo

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father Mary Hall Citizenship New York - colored

Mother Dina " Citizenship Cherokee

Names of Children:

3. Dora Hill Year 1880 Page 150 No. 3101 Dist. Navajo 13

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mary Hall Father Stenographer W. A. Green

On N. Ro. Roll as - Dina Hill

JUN 3 1901

C-F-D-492.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 2, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Donie Hill for enrollment as a Freedman citizen of the Cherokee Nation; Cherokee Freedman dountful card Field No. 492.

Statement by the Commission.

It is shown upon examination of the 1896 census roll of citizens of the Cherokee Nation that the applicant in this case is identified upon said roll, Page 631, #51, Delaware District, as Dona Hill, adopted colored.

Commissioner.

Cher.Fr.D-492.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 22, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of DONIE HILL as a Cherokee Freedman.

Appearances:
W. W. Hastings, Attorney for the Cherokee Nation.

WAITIS HILL, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Waitis Hill.
Q How old are you? A I don't know how old I am. I expect about 65
Q You were born before the war, were you? A Yes sir, I was in the army.
Q What is your post office address? A Hayden, on Lightning Creek.
Q Are you related to Donie Hill? A Yes sir, I am her father.
Q Who is the motherof Donie Hill? A Finis Downing, old man Reubens daughter.
Q Were you married to Finis Downing? A Yes sir.
Q About when were you married to her? A We have been married about nineteen years, or twenty, close on to twenty.
Q Her name was Finis Hill when she died? A Yes sir, after I married her, her name was Finis Hill.
Q You are a non-citizen? A Yes sir, I am a state man.
Q How long have you lived in the Cherokee Nation?
A I have been living here ever since General Grant ran the last time, everbeen out of theNation.
Q You have lived here over twenty years? A Yes sir, been living here ever since Genral Grant ran the last time.
Q Your child, Donie Hill, has she lived with you in the Cherokee Nation? A All her life, living yet.

Wm. Hutchinson, being first duly sworn, statesthat as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

Wm Hutchinson

Subscribed and sworn to before me this 15th day of October, 1903.

Charles Swanson
Notary Public.

Cherokee Freedmen D 492.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Donie Hill as a Cherokee Freedmen.

-: D E C I S I O N :-

The record in this case shows that on June 3, 1901, Waitis Hill appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of his minor daughter, Donie Hill, as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, September 22, 1903.

The evidence shows that the applicant, Donie Hill, was about 13 years of age at the date of this application; and that she is the daughter of Finis Hill (nee Downing) deceased.

It further appears that said Finis Hill was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation during the rebellion but returned thereto in 1866 and resided therein continuously from that time up to her death which occurred after 1868.

The evidence further shows that Donie Hill has resided in the Cherokee Nation all her life.

It is, therefore, the opinion of this Commission that Donie Hill should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 19, 1905.

In the matter of the application for the enrollment of Donie Hill and a Cherokee Freedman.

D. G. Elliott, attorney for applicant.

COMMISSION.

MR. D. G. ELLIOTT:

Pat Hawkins, being duly sworn, testified as follows:

Q. What is your name and post office address? A. Pat Hawkins, Vinita, Indian Territory.
Q. Are you acquainted with Donie Hill? A. Yes sir.
Q. Where does she live? A. She has been making her home at Nowata.
Q. Do you know her father and mother? A. I know her father, but do not know her mother. Her mother is dead.
Q. Do you know how old Donie Hill is? A. I have been knowing the family about 13 years, and she was a girl then about 7 or 8 years old.
Q. Where did you first get acquainted with her? A. On Grand River.
Q. Do you know where she was born? A. On Grand River.

COMMISSION:

Q. How do you know where she was born? A. I know the folks, and know where they were living.
Q. You said she was 7 or 8 years old when you first saw her? A. Yes sir, but they were living there on Grand River. They moved from there up on Honey Creek.
Q. How old do you say that this Donie Hill is now? A. I could not say just how old she is, but from the time I have been knowing the family is what I am going by.
Q. How old do you say she is? A. I would judge her to be about 20 or 21 years old, judging from the time I have been acquainted with the family and knowing them.
Q. You have only known the family about 13 years? A. She was a good large sized girl at that time. That is what I was going by. Her half sister is my wife.
Q. Are you related to this girl at all? A. Only just by marriage.
Q. Are you interested in her allotment? A. Only just in one way-- to see that she gets filed right, and see that she gets a

square deal. Her father is a very old man, and her uncle, who put her on the roll, put her on wrong, because he didn't know anything about her age.

Q. Her father said in 1901 that she was 13 years old. Do you know her age better than her father? A. Yes sir, for he is an old man and cannot remember anything. He has turned it over into my charge to see after it,

Q. Have you a contract for a lease from this girl? A. Yes sir.

Q. She is going to lease it to you, is she? A. No sir, to that gentleman there.--(Indicating Elliott). I have no say so about her at all only that I just want to see that she gets filed right, and is dealt with right. I have nothing to do with her property whatever.

Q. Are this girl's parents dead? A. Her mother is dead.

Q. Is her father living? A. Yes sir.

Q. What is his name? A. Waitis Hill. The girl has worked for herself all the time and has had a hard time, and the old man said if she could file he would like to see her do it and get her homestead. He is going to take charge of her homestead himself.

WITNESS EXCUSED.

Donie Hill, being duly sworn, testified as follows:

MR. ELLIOTT:

Q. What is your name? A. Donie Hill.

Q. Where do you live? A. Nowata.

Q. What is your father's name? A. Waitis Hill.

Q. What, if anything, has your father told you, prior to your attempt to file, about your age? A. He told me that the thought I was of age. He had forgot just how old I was. He said he thought I was over 20.

Q. State what he wanted you to do about your filing? A. He said he would like for me to file for myself.

Q. Did he or your half sister tell you how old you are? A. He told me he thought I was 20 years old --- of age.

COMMISSION)

Q. He didn't say how much over? A. No sir. He said "something over 20."

Q. When did he tell you that? A. The other day.

ELLIOTT:

Q. How long ago? A. No longer than yesterday. He said he must have made a mistake in putting me on the roll, but he couldn't remember how old I was for certain.

Q. Have you any brothers and sisters? A. Yes sir.

Q. Living? A. Yes sir.

Q. What is the name of the one older than you? A. Ella Carter.

COMMISSION:

Q. What is the difference in the ages of you and Ella? A. I don't know just how much older than me she is. Not more than two years I think.

Q. How old do you say that you are? A. I don't know for certain how old I am.

Q. How old do you think you are? A. I must be mighty nigh 20 as I can remember.

Q. You are not 20 years old? A. I am 18 or 19. The way I think about it I must be about that old.
Q. 18 or 19? A. Yes sir.
Q. If your father gave your age--- according to your father's estimate, you are only 18 years of age now. That is about right is it not? A. I couldn't tell anything about it, for he never told me anything about it.
Q. When your father drew the money for you eight years ago he said you were only 10 years old. That was right, wasn't it? A. I don't know.
Q. You do not know what month or year you were born, either, do you? A. No sir.
Q. Who asked you about your age first --- what made you think of your age in the last few days? A. I just thought about it and thought I would come and see about it, for I didn't know.
Q. Who told you to come and file? A. I wanted to come, myself. My father said it would be best for me to file.
Q. He says you are now of age? A. He said he thought I was of age.
Q. He didn't tell you what year you were born in, did he? A. no sir, but I heard my cousin say that I was born in '85 I believe.
Q. That would make you how old, if you were born in '85? A. Something over 20 they said.
Q. I am asking you-- if you were born in '85 how old are you now? A. I couldn't tell you.
Q. If you were born in '84 how old would you be -- can you tell me? A. No sir.

(The affidavit of Jennie Buford, dated April 17, 1905, and the affidavit of Eliza Ledman, dated April 18, 1905, are filed with and made a part of the record in this case.)

(The Kerns-Clifton Roll shows that the applicant is listed as being ten years of age. The testimony of the father of this applicant, taken on June 3, 1901, shows that the age of the applicant at that time was about 13 years.)

Q. What relation is that man to you-- that man that was in here awhile ago? A. He is my brother-in-law.
Q. Is he married to your sister? A. I reckon so. I don't know anything about it.
Q. What is your sister's name? A. Nettie Lynch.
Q. You want to file today, do you? A. Yes sir.
Q. What do you get for coming down here to file today? A. I don't get nothing I don't reckon.
Q. Who is going to get the money? A. I reckon I will get it.
Q. Have you made a contract with this man, Elliott? A. Yes sir as soon as I get my age straightened out.
Q. You have contracted to lease it to him? A. Yes sir.
Q. How much was he going to pay you? A. He said he was going to pay me $550.00.
Q. For how many years? A. He was going to lease my homestead from me, and buy the other.
Q. You were going to get $550.00 for the land that you were going to sell to him? A. Yes sir, for the 40. I was going to sell him 40 acres and keep my homestead for myself. I am selling him this in order to improve my homestead.
Q. Have you seen the man you are going to sell to? A. He was in

here a minute ago.

Q. When did you first see him? A. Yesterday.
Q. That was the time he made an offer to you? A. Yes sir.
Q. What was that other man doing? A. That was my sister's husband.
Q. What is he going to get out of it? A. Not anything. My papa got him to come down here.
Q. Had not these two men talked this matter over between them befor they talked to you about it? A. I don't know.
Q. They fixed it up between themselves and then came and talked to you about it? A. Yes sir.
Q. Didn't they want you to come down here and swear that you were of age? A. They didn't want me to come, because I couldn't swear that I was of age. That is the reason they had to make out the affidavits.
Q. Is it not a fact that you are only about 18 years old? A. Of course, I can't tell.
Q. You look pretty young yet-- like a young girl? A. Some people says I do and some says I don't. I know I am somewheres along there because after papa was telling ------

MR. HAWKINS:

Q. Have you ever seen the land that you have made a contract to sell to this party? A. No sir.
Q. You have never been on that land? A. No sir.
Q. Have you ever seen your homestead? A. No sir.
Q. Ever seen any part of the land that you want to file on today? A. No sir. I told them that I would rather see it, and they said it was all right.
Q. Who is it you want to give testimony as to the character of the improvements on this land? A. No one, only that man that was in here. I told him that I would rather see the homestead anyway.

COMMISSION:

Q. He has picked out the land and wants you to file on it? A. Yes sir.
Q. He has picked out the 40 acres that you are to sell to him? A. Yes sir.
Q. But you haven't seen it at all? A. No sir.
Q. Has your brother-in-law seen it? A. I don't think so. He might have.

WITNESS EXCUSED.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on the 19th. day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 19th. day of April, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, April 20, 1905.

In the matter of the application for an allotment in the Cherokee Nation of Donie Hill, Cherokee Freedman Roll No. 3620, Field Card No. 1309.

Donie Hill, being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Donie Hill.
Q What is your post office address? A Nowata, Indian Territory.
Q What is your age? A I don't know of course for certain. I was told 20.
Q Who told you 20? A My father.
Q What is your father's name? A Waitie Hill.
Q Is he a citizen of the Cherokee Nation? A Adopted.
Q In what year were you born? A I been told that I was born in - forget now what year it was.
Q What year were you told? A '85.
Q Who told you that? A My aunt.
Q What is her name? A Jennie Buford.
Q Is she a citizen of the Cherokee Nation? A Yes sir.
Q What is her post office address? A Vinita.
Q Is she living? A Yes sir.
Q Is your mother living? A No sir.
Q When did she die? A She died when I was very little. I cannot hardly remember her, just can.
Q Do you know in what year she died? A No sir, not for certain.
Q How many years has it been since she died? A About 16 years I reckon.
Q What year did she die in? A I don't know.
Q You say she has been dead about 16 years can't you figure out what year she died in?
Q Where were you born? A Born on Grand river.
Q What posteffice? A I don't know what post office.
Q Do you know where your father and mother were living at that time? A I don't know but said they were living on Grand river. I was too little to remember.
Q Is it your desire to select an allotment for yourself in the Cherokee Nation today? A Yes sir.
Q Have you seen the land to be allotted to you? A No sir, I haven't seen it.
Q Seen any part of it? A No sir.
Q Where is the land? A I don't know quite where it is. They told me up by Vinita.
Q Who told you that? A That man there.
Q Mr. Hawkins, the man there in the corner? A Yes sir.
Q Has he been on this land? A Says he had.
Q On all of it? A Said been on the homestead.
Q How do you expect to file without being able to testify about the land? A I don't know.

Q Expect anybody to testify for you? A I reckon so. I told them I would rather see the land and they told me to file without it.
Q Who told you to file? A They said I didn't need to see the land. That man there.
Q What is his name? A Don't know.
Q Do not know his name? A No sir.
Q Is it this gentleman right here? A Yes sir. Said I could file without seeing it.
(Witness indicates D. G. Elliot)
Q He told you that you could file without seeing any part of the land did he? A Yes sir.
Q Then did you expect him to give testimony as to the character of the improvements on the land and the land you want to file on? A I reckon so.
Q Do you know whether or not there are any improvements on any of this land? A No sir.
Q Did anyone ever tell you so? A Don't know anything about it. Said there wasn't any improvements.
Q Say there are no improvements on it? A Yes sir.
Q Did you tell you that about the homestead too? A I think so.
Q No improvements on the homestead or surplus either? A No sir.
Q How are you going to improve your homestead? A Going to sell surplus and improve the homestead .
Q With that money? A Yes sir.
Q Did they tell you anything about the character of the land of the homestead? A Said been over the land, and got good land. Would make me a good homestead.
Q Have you made any contract looking toward the disposition of this surplus land? A No sir.
Q Have no contract nor any understanding about it? A He will buy it from me.
Q Will you state to the Commission what the amount is he will pay y ou? A Yes sir. Said he would give me $550.
Q In cash? A Yes sir.
Q Have you made any contract, or have you any understanding that you will make a contract looking to the lease of your homestead to him? A Yes sir, I will make a contract to lease him the homestead -- what do you mean-- if you mean any contract to lease the homestead, why no sir.

Affidavits of Jennie Buford, dated April 17, 190 8, and an affidavit of Eliza Leadman, dated April 18, 1908, are filed with and made a part of the record in this case.

The Korns-clifton Roll shows that the applicant is listed as being 10 years of age. The testimony of the father of this applicant taken on January 3, 1901, shows that the age of the applicant at that time was about 13 years.

Q Who is Eliza Leadman? A I don't know her.
Q Ever hear anything at all about her? A Yes sir, heard my sister talk about her .
Q But you say you do not know her? A I don't know her. I reckon she know me but I didn't her.
Q Who procured this affidavit from her? A Well I don't know.
Q You don't know if she is related to you or not? A No sir, I don't know.

Q How did this affidavit get here? A He brought it.
Q Who? A Mr. Hawkins.
Q What relation is Mr. Hawkins to you? A None I guess.
Q What is his name? A Pat Hawkins.
Q What interest has got in this matter? A My father got him to come down with me for him.
Q You say your father got him to come down with you? A Yes sir.
Q Then he procured this affidavit from Rhine Lockman? A Yes sir.

Donie Hill excused.

Waitie Hill, being sworn, testified as follows:

Q What is your name? A Waitie Hill.
Q What is your post office address? A Vinita.
Q Are you a claimant to citizenship of the Freedman in the Cherokee Nation? A Only adopted citizen, adopted.
Q How long have you lived in the Cherokee Nation? A Lived-been here about 21 years or 22 years.
Q How long after you came to the Territory did you marry? A Well I first come to the Territory, I been married twice, my first wife died.
Q What is her name? A Angeline Hill.
Q Were you and Angeline Hill married when you first come to the territory? A Yes and she died and I married Phinie.
Q When did Angeline Hill die? A Died time of the small-pox in the Cherokee Nation.
Q Now that was after you moved to the territory was it? A Yes sir. I was here.
Q About how long had you been living in the Cherokee Nation when your first wife died? A About two years I think.
Q Now how long after your first wife died was it before you married your last wife Phinie? A About two years, not quite two years.
Q Then when you married your last wife you had been living in the Cherokee Nation about four years had you not? A Yes sir, nigh about that.
Q And you come here about 22 years ago? A I think so and the small-pox was here and she died of small-pox.
Q Who that about two years after you come to the Testtirot A Somewhere along there, I can't --
Q And about two years before you married again? A Yes sir.
Q How do you know Donie Hill? A Yes sir.
Q What relation is she to you? A Donie Hill, that is my daughter by my last wife.
Q Child by your last wife? A Yes sir.
Q How long had you and your last wife been married before Donie Hill was born? A I don't know how long before she was born, well I don't know, must have been over a year, something along there.
Q Now you are reasonably certain that it was only about 22 years ago that you come to the Territory are you not? A Yes sir, it was when the small-pox broke out, must have been a year after we come I reckon, I didn't keep any exact date of it.
Q You are reasonably sure about the time? A Yes sir.

Q Do you know Jennie Buford? A Yes sir.
Q Is she any relation to Bonnie Hill? A Yes sir, two sisters children, first cousins.
Q Do you know whether Jennie Buford was at your home or not at the time Bonnie was born? A They were not living very far from there, about 1/2 mile.
Q Do you know anything about this affidavit from Jennie Buford, setting forth the date Bonnie Hill was born? A No, I was not in the court house when she came.
Q Do you know Eliza [redacted]? A Yes sir.
Q What relation is she to Bonnie Hill? A None.
Q Do you remember whether she was at your place at the time that Bonnie Hill was born? A I don't know, she has got a daughter about two years older than Bonnie and she is married and got children.
Q Where were you living at the time that Bonnie was born? A Living on the Grand River.
Q Do you remember what your post office address was? A It was Rose.
Q Was Eliza Leadman living near there at that time? A Yes sir.
Q How do you know anything of the contract that your daughter Bonnie Hill has made with one D. G. Elliot? A I don't know anything about it. I know he made a contract to buy her land, outside of her homestead and I don't know what that land is. He tried to tell me and I told him I thought I had better go and see that land.
Q Don't know anything about where it is? A No sir, never seen it.
Q You know that she has any understanding with him to sell her surplus land? A Yes sir.
Q Do you know the appraised value of the surplus land? A No sir, he told me he would give her $850 excepting her home stead.
Q Do you know it is a fact that the surplus land - the land that he wanted to buy from her is shown upon the records of this office as being $6.50 an acre, the best land in the Cherokee Nation? A No.
Q Do you know anything about the homestead? A Don't know where it is, don't know anything about it. He said I furnish you a homestead and place eight miles from town, west, but I never seen it, and he will keep the balance.
Q When is the first time you ever saw D. G. Elliot? A Day before yesterday.
Q Do you know him? A No sir, never seen him before.
Q Are you willing to risk the allotment of your daughter, as to what she is entitled to in the Cherokee Nation to this man you never saw before? A No sir, I am not.
Q Do you know whether there are any improvements on the homestead or not? A Said there wasn't.
Q Do you know the appraised value of the homestead ? A Said he would give her three dollar land.
Q Did you know that it was two dollar land? A No sir.

Schedule appraisement made by the Commission to the Five Civilized Tribes shows two dollar land to be 7S and hilly and rocky land.

Q Do you know Pat Hawkins, the man that your daughter referred to in her testimony? A Yes sir, I know Pat Hawkins .
Q How long have you know him? A Four or five years.

Q Is it not a fact that Pat Hawkins really made a deal between D. C. Elliot and your daughter? A Yes sir.
Q What is he going to get out of it? A The man Elliot said he was going to bear all of our expenses and our board and riding on the train.

Waitis Hill excused.

Pat Hawkins, being sworn, testified as follows:

Q What is your name? A Pat Hawkins.
Q What is your post office address? A Vinita, Indian Terri.
Q What is your age? A 38.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q Do you know Donie Hill, the applicant in this case? A I am acquainted with her, yes sir.
Q How long time since you knew her? A I never saw the girl but few times, been knowing of her last, been about 13 years, been knowing of her.
Q Where does she live? A Living now at Nowata, she says, that is where we sent for her? A Where
Q Where who sent for her? A Mr. Hill, her father.
Q What relation are you to Donie Hill ? A Been acquainted with the family 10 or 12 years.
Q When was the first time you ever saw Donie Hill? A Well I can't just exactly state, out at Lightening Creek, I seen her, something like 15 years or 16 years ago.
Q How old was she at that time? A She seemed to be about seven, eight or nine years old. Course I couldn't tell, mighty nigh as large as is now.
Q Do you know where she was born? A No sir, I don't. I know that they were living over on Grand river. I knew of them when he used to live on Hones Creek, across the Grand river, about 23 years since.
Q You knew them then? A Yes sir, been knowing George long time before knew the old man.Before the small-pox broke out.
Q What year was the samll-pox in the Cherokee Nation you ref erred to? A I can't give you the year, reason I say been about twenty years or 23 years I know I stayed on Cowskin Creek during the small-pox, across the Grand river. I was over there and I been in Vinita now 12 years. Been making that my home, in Vinita, going on 13 years now.
Q Do you know where Donie Hill was born? A No, only what Lizzie Buford says?
Q What interest have you got in her allotment? A Well I wanted to see the girl get to file right and so she didn't get beat out of her money and see that she got the money paid down.
Q Have you ever seen this land? A I was told that it was $2 and $2.50.
Q Now what is the land you and Elliot want to put her homestead on? A I told her that she get good homestead, six miles to Cabin Creek and two or three col'red families live around there and she wanted to live in that kind of settlement.
Q Have you seen that land? A Yes sir.
Q What kind of land is it? A I call it fair farming land . I rode areund the country there.
Q When was the last time you saw it? A When was last time I saw it, was over it about year ago, down there fishing, year this spring.
Q You mean to say that when you were down there fishing that you

saw this part of the tract of land? A Yes sir.
saw this part of the tract of land and know where it lies?
Q You been to the corner of this land and know where it lies?
A I wouldn't make such statement but been over that tract of land for forty or fifty miles all up and down Big Cabin, Been through this country herding cattle and riding through it.
Q Can a man go through a country herding cattle and in a year from that time, tell what kind of land that it is? A Well not exactly, but know the location of the land, and it is good farming land.
Q No hills around there are there? A Yes sir, few hills, but very good level country by Grand river, or Big Cabin.
Q Do you know what the appraisement of that land is that Elliot wants to be Denis's homestead? A No sir, said two doll ar land.
Q Do you know what kind of land that is? A Well, no, I don't know just exactly what two dollar land is, I been around a good deal and some two dollar and three dollar land is not as good as some that was two dollar and one and half dollar, some of that is long sight better than four dollar and some two dollar better than four dollar land.
Q When was the first time you ever saw D. C. Elliot? A First time I ever saw him, Jesse Roe , was fixing up some business with him.
Q Who is Jesse Roe? A I don't know, just Jesse Roe.
Q You never saw D. C. Elliot prior to that time? A No sir, he brought him up to the house.
Q You say you hhave no interest in this matter but to see that she gets treated all right? A Yes sir.
Q And you are willing for her to select a piece of land that yourself, her father or herself have never seen, on the judgement of man you do not know? A I been knowing Mr. Elliot several years, but never seen him or to say anything to him, but was knowing him. Been porter in a hotel and he been there and nice kind of man.
Q What hotel were you porter in? Been in Western Hotel and been in Hotel at Tulsa.
Q What is your business now? A Just working around, house cleaning, and just what I can do.
Q Have you ever seen the land that he wants to allot for her surplus? A No sir. Just got his word said it was surplus land not fenced or anything. I didn't want to have anything to do with it, but just to help the girl because I was with the family.
Q Do you get paid anything? A Well I think I ought to get something.
Q Now is it not a fact that Elliot came to you? A No sir, Jesse Roe brought Mr. Elliot to me.
Q What relation is Jesse Roe to her? A None that I know of.
Q What will the girl get for her land? A Well they was talking and he would only gove something like $450 and I came up to house and was setting there and said the girl could do better than that. I says 'Mr. Starr, I will help her'. And then he said he would give $550, it is f o r her surplus land and the other one said well I cannot pay that much.
Q That was Elliot that said he would pay $550? A Yes sir.
Q Who is Jennie Buford? A I only know of her.
Q Who got this affidavit from her? A I did.
Q Who is Eliza Leadman? A Living in Vinita?
Q Who got thiat affidavit from her? A I did.

Pat Hawkins excused and D. G. Elliot called.

D. G. Elliot, being sworn, testified as follows:

Q What is your name? A D. G. Elliot.
Q What is your post office address? A Chelsea, Indian Terri.
Q What is your age? A 35.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q What is your occupation? A I am an attorney.
Q Do you know Donie Hill, the applicant in this case? A Well just know her when I see her.
Q Know anything of her age? A Nothing at all.
Q Where is the land that you desire to give testimony on in the matter of her allotment? A Well there are two places, one east of Chelsea and another North.
Q Can you give the description of that land? A Yes sir, The NE/4 of the NE/4 of Section 6, SE/4 of Sec. 34, SW/4 of the SE/4 and the SE/4 of the SE/4 of Section 34, T. 24 N., R. 18 E. and the NW/4 of the NE/4 of the NW/4; the NW/4 of the SE/4 of the SW/4 of Section 36, the E/2 of the SE/4 of the SE/4 of Section 26, T. 26 N., R. 16 E., also the SW/4 of the NW/4 of the SW/4 of Sec. 20, T. 24 N., R. 17 E.
Q Mr. Elliot is this land under improvement and in cultivation? A No sir, none of it is in cutlivation, 10 acres in 20-24- 17 is inside of Mr. Waller, George Waller's field.
Q What is his post office address? A Chelsea, Ind. Ter.
Q Have you his permission? A Yes sir, he has filed all he can, I asked him to give me bill of sale so I could file and said he didn't want to have any trouble about it and he said to go ahead and file.
Q It is all what is called public domain? A Yes sir. Last Sunday I went to see about it.
Q Do you know of any other land, Mr. Elliot, that is public domain, that is excess holdings? A I gave the Commission at Tahlequah, I gave in 2700 acres.
Q Mr. Elliot do you know Pat Hawkins? A No, I never seen him until, I guess, day before yesterday.
Q Is it a fact that Pat Hawkins come to you and made this contract for Donie Hill? A No, I never seen him until I went down to house with Jesse Roe.
Q Who is Jesse Roe? A Little colored fellow over there that I got acquainted with at Tahlequah.
Q In the land business is he? A Yes sir.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Sworn and subscribed to before me this 20th day of April, 1905.

W. S. Hawkins

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, May 22, 1905.

In the matter of a discretionary allotment to Donie Hill, Cherokee Freedman Roll No. 3620, Field Card No. 1309.

Waitis Hill, non-citizen father, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Waitis Hill.
Q What is your postoffice address? A Hayden,
Q What is your age? A About 60, I am coming 60.
Q Is your object in appearing before the Auxiliary Cherokee Land Office of the Commission today to select an allotment for Donie Hill? A Yes sir.
Q What relation are you to her? A I am her father.
Q How old is she? A She is 20 years old.
Q When was Donie Hill 20 years old? A I think some time in next March, this last March gone.
Q You think she was 20 years old this last March? A Yes sir.
Q About what day of the month? A I did have a paper but have lost it. She was born March 5, 1885.
Q Where were you living at the time of the birth of Donie Hill? A Living on Grand river.
Q What was your postoffice address at that time? A Grove.
Q In what year did you move to Grand river? A I don't know - I didn't keep track, or count. I been there I think 20 years. Been in this country - I was here when the small-pox broke out in '83, I was here when that small-pox was broke out.
Q Were you married to anyone at the time you moved to the Territory? A Yes sir, my first wife died.
Q How long was it after you moved here, which you say was during the small-pox scare in 1883, - how long after that was it that your first wife died? A I think it was three years.
Q About three years? A Yes.
Q After she died, how long was it before you married again? A About two years I think, yes.
Q Now then Donie Hill is a child by your second wife is she not? A Yes sir, she is.
Q About how long after you married your second wife was it before Donie Hill was born? A I couldn't tell. My wife kept track of all such things. I am not at all educated.
Q You can remember about how long can't you? A About two years after.
Q That would make it about seven years after you come to the Territory before Donie Hill was born, is that right? A I guess so.

Q Well according to your statement here that would be correct would it? Three years before your first wife died, then two years before you married again, that would make five and then two years before Donie Hill was born - that would be about seven years would it? A Yes.
Q You say you came here during the small-pox? A My first wife died waiting on the small-pox - she hired tending Cherokees.
Q About how long had you been in the Territory before that small-pox scare broke out? A I don't know. I made one crop at Colonel Bell's, then I went across the river and made another crop.
Q Was that the year following the one you were at Colonel Bells A Yes sir, and then I made one at Art Williams the next year
Q Was that the year after you went across the river? A Yes. And then the next year my wife bought a place and it was on Honey Creek.
Q Was that your first wife? A No my last wife.
Q How long were you here before the small-pox broke out, here in the Cherokee Nation? A I was here about one year.
Q Now you spoke about putting in a crop at Colonel Bell's the next year after the small-pox. Was that the next year after you moved here, is that right? A Yes sir, and I went across the river, she died there waiting on small-pox folks. The first small-pox come while I was at Colonel Bell's and next year moved across the river and then the small-pox broke out.
Q When you were here sometime ago to testify, you stated that you come to the territory when Grant was President , was he President when you first come here? A When I first come dom the river I was in Missouri, when Grand run for President I voted for Grant the last time hex run.
Q Now how long after that did you come to the territory? A I never kept no count exactly.
Q SWere you in this country when a man by the name of Wallace made a roll of the Cherokee Nation, a roll of the Freedman and Citizens of that Nation? A Yes I was here then.
Q Where were you at that time? A On Honey Creek.
Q Now what year was that? A I don't know. I can't read nor write.

The records of the Commission show that the roll referred to herein was made in the year 1889.

Q How long before that roll was made had you been in the Territory? A I can't tell you, I don't know - I was here- -
Q Well how long have you been in the Cherokee Nation? A Been there 22 or 3 years.
Q How old was Donie Hill when this Wallace roll was taken? A She was four years old. Phinias has been dead 16 years and she died when Donie was 4 years old.

Q You are positive she has been dead 16 years? A Yes.
Q Phineas is the mother of Donie Hill isn't she? A Yes, she has sure been dead 16 years, I know she been dead 16 years, and she was four years old when her mother died.
Q Now uncle, do you know just what year your second wife died? A No sir, I just kept count how long she been dead but I knew Donie was four years old when she died.
Q Had your second wife died before Wallace made his roll? A Yes, before.
Q About how long? A They come around taking the census I know and said Donie was not old enough to get her money and that is what he said to me.
Q Can't you remember about how long before that it was that Phineas died? A No I can't remember exactly, I never kept no count.
Q You seem to remember pretty well about how long Phineas has been dead? A Yes sir, I know how long after Donie was born that she died. It seems to be that is about two years I think.
Q You say your wife's has been dead 16 years? A Yes, everyone around there can say so, her brother Zeb knows it. I know it.
Q Now uncle will you state how you know so well that your wife has been dead 16 years? A I been keeping count of that. I know that.
Q Can you tell why it is she has been dead 16 years? A I know she been dead 16 years. I know she been dead - I been keepig count of it. I know it is 16 years.
Q Now you know that she has been dead 16 years - you seem to remember that so well now can't you tell just how long it was after Donie Hill was born that Phineas died? A About 2 yrs I think, I just think so, but I know she is 20 yeafs old.
Q Do you know the year that your wife died? A It was long about March I think.
Q Were you busy putting in your crop then? A Why of course - getting the ground in shape.
Q Now can you tell where you were putting in a crop when your wife died? A I was at Colonel Bells.
Q Was Donie Hill living then? A Yes.
Q Well about how old was Donie Hill then? A She was a good big girl - about two years old. She was big enough to run around.
Q Where were you the year before you went to Colonel Bells? A I was down on the Grand river.
Q Did you put in a crop there? A Yes.
Q Was Donie Hill living then? A No I was on top of the hill my wife had bought that place, and Donie was born there.
Q What year was it that you went to Colonel Bells? A I don't know.
Q You say the year you lived on the place that your wife bought Donie Hill was libing then? A Yes, was born there.
Q How long did you live on that place? A About one year.
Q At what time of the year was she born? A Born long about March, sometime then in March. I was busy plowing then.
Q Where were you working uncle in the year that Wallace made his roll? A I was living on Honey Creek then, when Mr. Wallace's roll was made.

Q Where were you living before you went to Honey Creek? A I lived on Colonel Bells' place long in the winter and I partly made a crop there and then we moved from there to Honey Creek and lived there then.
Q Did you put in a crop at Colonel Bells? A Yes sir, year before I went over to Honey Creek.
Q Was that the year before Wallace made his roll? A He made his roll when I lived on Honey Creej?
Q And you were living at Colonel Bells the year before that? A Well I made a crop there and then we moved to Honey Creek.
Q You lived at Honey Creek all that year did you? A Yes sir, put in a crop there the next year and rented this on the Grand river from Wahn Clark, and then the next year they took the census on Honey Creek.
Q Where is Demie Hill living now? A Living in Nowata.
Q Is she living with anyone there? A Yes sir, washing dishes in a resturant, washing dishes.

The testimony of Waitis Hill given herein while decontradictory in certain points immaterial to this case seems to very clearly establish the fact that Demie Hill the applicant, is past 18 years of age. The father being the nearest relative living and the only one competent to give testimony as to her age, the allotment is therefore made to Demie Hill on her own testimony.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Sworn and subscribed to before me this 22nd day of May, 1905.

Notary Public.

FILED
MAY 23 1905
COMMISSION TO FIVE TRIBES.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Watis Hill,
Hayden, I.T.
Cherokee F-D-492
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-498.

Muskogee, Indian Territory, September 10, 1903.

Waitis Hill,

Hayden, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your child, Demis Hill, as a Cherokee Freedman, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing further testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-492.

Muskogee, Indian Territory, March 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of Donie Hill as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-5.

Commissioner in Charge.

Cherokee Freedmen
D-492.

Muskogee, Indian Territory, April 21, 1904.

Waitis Hill,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for the enrollment of your minor child, Donie Hill, as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-18.

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DEFENDANT, Up to Husband, Charley Hughes, and child, Walter:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 6th, 1901.

In the matter of the application of Martha Hughes for the enrollment of herself, her husband, seven children and one stepchild as Cherokee Freedmen; said Hughes being sworn and examined by Commissioner C. R.Breckinridge, testified as follows:

Q Give me your full name? A Martha Hughes.
Q How old are you? A 38.
Q What is your post office? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A Yes, sir.
Q Have you children? A Yes, sir.
Q How many? A Eight.
Q Are they all under 21 years of age? A Yes, sir.
Q All unmarried? A Yes, sir.
Q Are they all living now? A Yes, sir.
Q Have you a husband? A Yes, sir.
Q Do you want to apply for him? A Yes, sir, he is here.
Q How long have you lived in the Cherokee Nation? A All my life; I guess I have been here ever since I can recollect.
Q Were you born in the Cherokee Nation? A I guess so, been here ever since I can recollect myself.
Q Give me the name of your father? A Jack Landrum.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A Mary Ellen Landrum.
Q Is she alive? A Yes, sir.
Q How many times have you been married? A Twice.
Q Give me the name of your first husband? A Armstrong Forester.
Q Is he alive? A I don't know, sir, he was the last time I saw him.
Q When were you and he married? A 19 years ago.
Q You and he have parted have you? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir, I think he was.
Q You think he claims to be? A Yes, sir.
Q How long have you and he been parted? A Been parted about 17 years ago.
Q You didn't live together long? A No, sir.
Q Have you any children by him? A No, sir.
Q Give me the name of your second husband? A Charley Hughes.
Q You are living with him now are you? A Yes, sir.
Q When were you and he married? A We have been married 18 years, 17 years this coming September.
Q This coming September? A This last September.
Q You didn't marry him before you parted from Forester did you? A No, sir; I guess it has been 19 years since I and him married.
Q You and Forester? A Yes, sir.
Q And then you married Hughes about 17 years ago? A Yes, sir.
Q Is Hughes a Cherokee Freedman? A Yes, sir.
Q Did you ever get a divorce from your first husband? A No, sir, didn't know nothing about getting divorces then.
Q Was your husband, Charles Hughes, ever married before he married you? A Yes, sir.
Q How many times? A Once to my knowledge.
Q Where is he? A He is over there.

CHARLEY HUGHES, being sworn and examined by Commissioner C. R. Breckinridge testified as follows:

Q Give me your name? A Charley Hughes.
Q How old are you? A I am something over 40, I could not tell you, about 42.

Are you the husband of this applicant here? A Yes, sir.
How long have you and she been married? A 27 years.
How many times have you been married? A Three.
This makes your second wife does it? A Yes, sir.
Give us the name of your first wife? A Mary Ann Foster.
When did you marry that woman? A I could not tell you.
About how long ago? A It has been 30 years ago.
Is she alive? A Yes, sir.
How long did you and she live together? A About two months.
Did you ever get a divorce from her? A No, sir.
Well after you and she parted you married this woman?
She married first and then I married.
Well you parted before either one of you married? A Yes, sir.
Is there anybody here now who knows about you having been married twice and your wife having been married twice? A Yes, sir
Who is there here among your old neighbors? A Bennie Wright and Harry Still.

HARRY STILL, being duly sworn and examined by Commissioner C. R. Breathitt, testified as follows:

Give your name? A Harry Still.
How old are you? A 54.
How long have you lived in the Cherokee Nation? A All my life.
Do you know this applicant here? A Yes, sir.
How long have you known her? A Ever since she was a baby.
How many times has she been married? A Twice.
What was the name of her first husband? A We called him Armstead.
Armstead what? A Forester or something like that, he was a little bit of a fellow.
Was he considered a Cherokee freedman? A Will he claimed to be, but I don't know about that.
Well how long did they live together? A Well they didn't stay together.
About how long ago was it they got married? A It must be 30 or 35 years.
Well, they separated did they? A Yes, sir.
Well, after that did she marry this man here? A Yes, sir, I was at his wedding.
This is Charles Hughes is it? A Yes, sir.
Who it was after this woman parted from Forester before she married Hughes? A No, sir, about two years.
Well have she and Hughes been living together ever since they married? A Yes, sir.
How many times has Charles Hughes been married? A Twice.
Well, how long have you known Charles? A I have known him pretty near 40 years.
Well, that was the name of Charles' first wife? A Phoebe I guess.
Phoebe what? A Mary Ann; yes, that is right.
Mary Ann what? A Mary Ann Foreester.
Well how long did he live with that woman?
A Let's see I think he stayed with her a while, I don't know the exact date.
A short while or long while? A He didn't stay with her long, two or three years perhaps.
How long? A I don't know just how long they stayed together.
A little while? A Yes sir.
Well he and that woman parted? A Yes, sir.
And this is all the marrying he has ever done to it?
A Yes, sir, all I know of.
You don't know about any divorce proceedings in any of these marrying cases? A No, sir, we didn't have none in them days, it was in the old Cherokee laws and they was not divorced like they

Martha Hughes, et al.--#3.

was good.
Q If there was any law about it you didn't pay much attention to it?
A No, sir.

[illegible], the Applicant, re-called:

Q Now, give me the names of your children? A Walter.
Q Hughes is it? A Yes, sir.
Q How old is Walter? A This Walter he ain't my child, but he is known.
Q Is his name Walter Hughes? A Yes, sir.
Q Who is the mother of this child Walter? A Phoebe Graham.

CHARLEY HUGHES, Applicant's Husband, re-called:

Q This is your child by another woman? A Yes, sir.
Q Give me the name of this child's mother? A Phoebe Graham.
Q Is she dead or alive? A She is dead.
Q Well, now, ye were never married o this woman Phoebe?
A No, sir.
Q Was she a Cherokee Freedman? A No, sir.
Q White woman? A Yes, sir.
Q Now, are the balance of these children your children by this wife?
A Yes, sir.

MARTHA HUGHES, the Applicant, re-called:

Q Well now give me the name of the next child after Walter?
A Arthur.
Q How old is Arthur? A 16.
Q How old did you say Walter was? A Walter's 19.
Q Now, the next child? A Lee.
Q How old is Lee? A 18.
Q Now, the next child? A John.
Q How old is John? A He is 13.
Q The next child? A Lou Nila.
Q How old is Lou Nila? A Eleven years old.
Q Now, the next child? A Lola.
Q How old is Lola? A She is eight years old.
Q Now the next child? A Emmett.
Q Emmett is five years old last January? A Six years old.
Q Born in 1926 that would be five years old? A He is six years old.
Q Now, the next child? A Calvin.
Q How old is Calvin? A Four years old.
Q You have got here born the third of last November not a year old yet? A I never put it that way.
Q Well, are these children all livingnow? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 131, #1684, Martha Landrum, Coowescoowe District.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicant's husband not found thereon.

The 1924 Census Roll of citizens of the Cherokee Nation examined and names of applicants names found thereon.

The Dawes-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 13, #447, Martha Hughes, Coowescoowe District.
Page 134, #9811, Walter Hughes, Coowescoowe District.
Page 134, #9810, Charles Hughes, Coowescoowe District.

Page 18, #448, Arthur Hughes, Coowescoowee District.
Page 18, #449, Lee Hughes, Coowescoowee District.
Page 18, #450, John Hughes, Coowescoowee District.
Page 18, #451, Luella Hughes, Coowescoowee District.
Page 18, #453, Lola Hughes, Coowescoowee District.

CHARLEY HUGHES, Applicant's husband, re-called:

Q Charles Hughes, give me the name of your father? A Name was Johnson Thompson.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A He died before the war came I never did see him.
Q Give me the name of your mother? A Rosa Johnson.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A She died in time of the war.
Q Were you a slave in the Cherokee Nation? A Yes, sir.
Q When the war broke out? A Yes, sir.
Q To whom did you belong? A Cale Starr.
Q Where did he live? A In Flint District, Cherokee Nation.
Q Is he alive now? A I could not tell you.
Q Was he a recognized citizen of the Cherokee Nation? A Yes, sir. Cherokee.
Q Where were you during the war? A Well, sir, during the war part of the war we was on Red River south.
Q They took you south? A Yes, sir.
Q And when did they bring you back? A Well, I could not tell you exactly when we did come back.
Q Well, you were quite a boy when the war closed? A Came back only about a year after the war ceased as near as I can remember, about '65 I suppose.
Q Where did you come? A On Sallisaw in Flint District.
Q Why are you not on the roll of 1880? A I could not tell you, I ought to have been there.
Q Did you apply to be put on that roll? A Yes, sir, I drew money offen that roll; Mr. Lipe paid me the '80 money; Mr. Hastings here I showed him my certificate where I got the money.
Q Where is your certificate now? A They never did give it back to me in the time of the Clifton Court. It is on the record I suppose.
Q Is there any other name you could have been enrolled under? A Yes, sir, I could have been enrolled under Charley Starr.
Q Who brought you up here after the war? A There was an old woman took charge of me after the war; her name was Precie Thompson.
Q Were you living with her after the war? A Yes, sir; she claimed to be my aunt.
Q Were you living with her in 1880? A I don't know.
Q Were you living with her up to the time you married? A No, sir
Q Did you ever go by the name of Thomapon? A No, sir; I went by the name of Hughes, some called me crip and some called me Charley Starr.

BY MR. DAVENPORT? Cherokee Representative:

Q Charley, you went south during the war you say? A Yes, sir.
Q Who did you go with? A Well, sir, I went with the Cherokee people and colored people.
Q Do you know one by name? A One was by the name of Payton one by the name of Adair and Bean.
Q Well, who did you live with down there? A I lived with a man he was named Bean and lived with a man by the name of Taylor Payton. I lived with Taylor Payton there until I came back to Flint District.
Q You didn't go south with Cale Starr? A Yes, sir, the whole outfit went there.

Q Well, who did you return with? A I came with them, Taylor Payton, Cale Starr and man by the name of Russell, Billy Russell I believe was his name, Cherokee and half Choctaw.
Q Well did you come back with any of the rest of the Starrs besides Cale? A No, sir.
Q You testified before the Kern-Clifton Commission didn't you?
A I didn't testify nothing before the Clifton.
Q You never? A No, sir.
Q Wasn't you an applicant before the Kern-Clifton Commission to be enrolled? A I was there, but I only showed my certificate here and made a little statement; there wasn't any questions asked.
Q Didn't you testify there before the Kern Clifton Commission that you went south with Cale Starr and lived with him south until you came back to the Cherokee Nation to Buck Starr's? A No, sir.
Q And you afterwards worked for Ellis Buffington? A No, sir.
Q Well, did you ever live with Ellis Buffington? A No, sir.
Q Did you ever live at Tahlequah? A Yes, sir.
Q How long? A Well, about seven or eight years.
Q Didn't you testify before the Kern-Clifton Commission that you lived at Tahlequah five years? A I could not tell you, I say I lived there five or six years, seven or eight years, maybe longer.
Q Did you know Ellis Buffington at the close of the war?
A No, sir.
Q How long was it after the war before you met him? A About three years after the w r I got acquainted with Ellis Buffington.
Q Don't you know that Ellis Buffington and Cale Starr and Buck Starr all came back to the Cherokee Nation together?
A No, sir. There was so many in the Crowd I could not tell you who all was along.
Q Did Ellis Buffington come back before you did? A I got acquainted with him after I come back here.
Q How long had you been back when you got acquainted with him?
A I had been back about three years.
Q Well you didn't live in Flint District at all after you came back did you? A Yes, sir.
Q You lived in the Starr neighborhood? A Yes, sir.
Q Well, Ellis and the Starrs lived right there in the same neighborhood? A Yes, sir, pretty much in the same neighborhood.
Q And you didn't meet him until three years afterwards?
A Yes, sir, there was several people there I never got acquainted with for three years.
Q Did you ever work for a fellow by the name of Dennis Bean?
A No, sir.
Q Did you ever work with him and help him make rails? A Yes, sir.
Q How long was that after the war? A I don't know.
Q You really don't know when you came back from the south do you?
A I know I come back directly after the war.
Q Don't recollect what year it was? A No, sir. I say it was just after the war, they was pretty skittish about bushwhackers.
Q That was when you came from the Choctaw Nation? A I don't know what Nation we came from.
Q Well, you have lived continuously in the Cherokee Nation since you returned? A Lived right here, don't know any wheres else.
Q Are you acquainted with Looney Glass? A Yes, sir.
Q How long after you came back was it before you saw Looney Glass?
A It was about, well to be honest I could not tell you how long it was before I got acuqinated with Looney.
Q Was it a year or six months? A It might have been a year, or it might not have been so long.

BY COM'R BROCKENRIDGE:

Q Are you on the Wallace roll? A Yes, sir, I ought to be on the Wallace roll.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's husband and his oldest child's names found thereon as follows:

Page 117, #2474, Charles Hughes, Coowescoowee District.
Page 117, #2475, Walter Hughes, Coowescoowee District.

Q Charles Hughes, do you remember distinctly when you came back from Texas? A We wasn't in Texas.
Q Where did you go? A Red river.
Q You didn't go across Red river? A No, sir.
Q Well do you remember distinctly when you came back? A Yes, sir.
Q Who were with you; give me the names of some people who were with you who are living now? A I could not tell you whether any of them are living now.
Q There was a big crowd with you? A Yes, sir, there was Wash Adair
Q Is he living? A I don't know.
Q You came with a man named Wash Adair? A Yes, sir.
Q White man or colored man? A He was a Cherokee himself.
Q Where is his home? A His home is in Flint District, Cherokee Nation.
Q What Pos office? A Well sir, I could not tell you; Dannenberg, I guess there is a post office there.
Q Now, do you remember anybody who is living except Wash Adair?
A No, sir, I don't remember.
Q Now, who did you live with first when you got back here?
A I lived with a man by the name of Payton; I lived around with so many.
Q Who did you live with when you first came back?
A I first lived when I first got back I lived with Cale Starr.
Q That is the same Cale Starr that you had belonged to?
A Yes sir; that is right.
Q Is he alive now? A I don't know.
Q You don't know whether he is alive now or not? A No, sir.
Q Do you know any of his family who are alive? A No, sir.
Q Where is that you lived with Cale Starr? A In Flint District.
Q How long did you live with him? A I lived with Cale about nine months after we came back here.
Q After you left Cale Starr with whom did you live? A I went to work for a man named Eph Adair.
Q How long did you live with Eph Adair? A I worked for Eph about one year.
Q And then where did you go? A I lived with my aunt, Crecie Thompson.
Q How long did you live with Crecie Thompson? A I lived with her maybe a couple of years.
Q Where did you live after you left Crecie Thompson? A After I left her I come to Tahlequah.
Q How long did you live at Tahlequah? A I can't say I lived there until I come up here.
Q When did you come up here? A It has been about 25 or 26 years ago.
Q Can't you tell me how long you stayed at Tahlequah? A Not exactly I can't
Q Well, come as near as you can? A I must have lived there three or four years, maybe longer, maybe five years, I could not say.
Q You left there to come up here? A Yes, sir.
Q Well, how long have you been up here? A Been up here about 21 or 25 years.

HARRY STILL? Witness, re-called, testified as follows:

Q What was this woman's name before she married? A Martha Landrum.
Q Give me the name of her father? A John Landrum.

Q How long did you say you had known Charles Hughes? A I have knowed Charley Hughes ever since before he come from Tahlequah; I saw him at Tahlequah, it has been over 35 years when I first saw him; I saw him at Tahlequah. The first time I saw him was in Flint District at this old woman's.
Q Do you recollect just when that was? A It must be 26 or 27 miles the other side of Tahlequah.
Q D you remember just when it was? A No, sir.
Q That was at Grecie Thompson's? A Yes, sir.
Q Now, when you were speaking of Walter Hughes you mentioned a woman named Phoeba? A Yes, sir.
Q Now, what do you know about his living with that woman, Phoeba?
A I know Phoeba's Walter's mother.
Q Well, how long did he live with that woman, Phoeba?
A Well, sir, I don't know exactly how long he did live with Phoeba; I know she was the mother of Walter.
Q Well, did you knew her? A Yes, sir.
Q Did you ever meet her with him? A Yes, sir.
Q Have you been to their house? A Yes, sir.
Q How long did you know her as living with him? A The exact number of year I could not tell; the first time I ever saw Charles Hughes and Phoeba was right there in this hollow by Pete Couch's place.
Q Was he living there? A He was in the house there.
Q Was this child with him? A The child was a little bit of a fellow.
Q That was before he married this woman, of course?
A Yes, sir.
Q Was he keping house there? A Yes, sir.

CHARLEY HUGHES, re-called:

Q How long did you live with this woman, Phoeba? A I don't know; I didn't live with her at all as wife, she lived with another woman there; I never kept house with the woman a day in my life; she lived with another woman. That is right about it, I stayed there part of the time and she lived there with another woman.
Q How long did you meep company and associate with this woman?
A I cou ld not tell you.

HARRY STILL re-called:

Q How old a woman was this woman Phoeba? A The first time I saw her she was a little girl.
Q How old was she when she was living with this man?
A She was a young lady perhaps 15 or 16 years old, the first time I saw her.
Q Now, when you saw him over there at this place you speak of that wasn't the first time you saw him with her? A No, sir.
Q Where was the first time you saw him with her? A On Lightning Creek.
Q Was he keeping house there? A No, sir, he was staying around and he would work for Mr. Mealing and she would be around at different places.
Q At the same house? A No, sir, not at Mealing's, sometimes stayed with friends and sometimes somewheres else, but I always thought she was his wife.
Q That is the way it appeared to the neighbors? A Yes, sir, way it appeared to me, I knew her well.
Q Did she claim to be his wife? A I never did hear her say so.
Q Did she conduct herself as his wife? A She appeared to be his wife and associated with him and cherished him as his wife.
Q Did she go to church with him? A I don't know, I have seen him to dances together.

Q When you would see one you would see the other? A Yes, sir.
Q How long did that go on? A I don't know, maybe three or four years; I don't know when Charley did quit her.

CHARLES HUGHES re-called:

Q Charley Hughes, how long has this woman been dead? A She has been dead about 19 years.
Q Well then, your relations with that woman went on until she died? A I don't know about that.
Q Did you marry this woman after she died? A I ~~ax~~ never married this woman until after she died.
Q How long after she died? A About a year I cou d not say about how long but I am just judging that it has been that long and maybe longer.
Q Was that woman, Phoeba, the first woman you ever lived with, ever took up with and associated with? A Well, sir, no, sir, she wasn't the first woman I ever went with.
Q Is she the first woman you ever kept house with? A Well, sir, I never kept house with her.
Q You seemed to have lived a good deal in the same house lived together? (No response.)

HARRY STILL re-called:

Q Did you ever hear of his living with any other woman before he livec with that woman Phoeba? A No, sir, I never did.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of herself and seven children and her husband and one stepchild: The applicant is identified on the roll of 1880 and on the Kern-Clifton Roll as a Cherokee Freedman. She has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee Freedman. Her change of name arising from marriage is established in a satisfactory manner.

The applicant's husband is identified on the Kern-Clifton roll and on the Wallace roll, but not upon the roll of 1880 or upon that of 1896. It a pears that he was a slave in the Cherokee Nation at the beginning of the Civil War, and that he was carried to the Choctaw or Chickasaw Country down on Red river. The p eriod of his return is indefinite. He claims to have returned immediately after the war; he also asserts that he has lived in the Cherokee Nation continuously ever since his return after the war. His father and mother appear to have died previous to the war and hence no information of his status can be learned through their record. For the further consideration of his case under the conditions stated he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his post office address. The stepchild for whom applica tion is made, Walter Hughes, is said to be now 19 years of ge. He is identified on the Kern-Clifton roll and on the Wallace roll. It seems that he is a chi ld of the applicants husband by a noncitizen, Phoeba Graham. It appears highly probable ~~that~~ from the testimony that the applicant lived with this woman, Phoeba Graham, for some two or three years as husband and wife and contracted with her a common law marriage. This child will now be listed for enrollment as a Cherokee Freedmen on a doubtful card, and the final decision of the Commission in regard to the application of this child will be made known to the applicant's husband at his post office address.

Martha Hughes, et al.---9.

As for the seven children of the applicant, named in the testimony, Arthur, Lee, John, Lou Ella, Lola, Emmett and Calvin, these are all children of her present marriage. They are all identified on the Kern-Clifton roll, except the two younger. They are all living at this time and they will now be listed for enrollment as Cherokee Freedmen, and the applicant is desired to supply the Commission with proper certificates of the birth of the two younger children, Emmett and Calvin.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 12th day of June, 1903.

Commissioner.

B. I.T. 963.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 7 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 6, 1901

Post Office Hayden I.T.

District Coo

1. Name Charles L. Hughes Age 48

Owner's name Dan Starr Citizenship Cherokee

Year R.C. Page 154 No. 3810 District Coo

Parents:

Father Johnson Thompson dead Citizenship

Mother Rosa Johnson - dead Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Nettie Hughes Year R.C. Page 154 No. 3811 Dist. Coo 19

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Martha Hughes ~~Stenographer~~ Stenographer H. C. Rossom

Ex Wallace, roll, 7 *2474 — Coo

2 " " " 7 *2475 — Coo

Ref,

10 1563

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 7 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Oct 7 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Charles Thurber et al for enrollment as Freedmen of the Cherokee Nation.

L. F. [illegible]
Agent for applicants

No. 1

F. D. 563

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on Charles Hughes.

.....

by delivering a true copy thereof on the 16 day of Oct A. D. 1901

Given under my hand this 16 day of Oct A. D. 1901

John Parks
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190..

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 17 1901
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of [illegible]
for enrollment as Cherokee Freedmen:
Case No. F. D. [illegible]
To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible]
Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

R B Bell

W. M. Hastings

[illegible]

Attorneys for the Cherokee Nation.

C. P. D-C-B.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Charles Hughes for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
A. S. McKee, attorney for the applicant:
L. B. Bell, of counsel for Cherokee Nation.

MARK BEAM, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bell: Give me your age and postoffice and name? A Mark Beam, 58 years old, Evansville, Arkansas, postoffice.

Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life.
Q You are a born Indian are you? A Yes, sir.
Q Where did you live at the beginning of the war? A Going Snake District, Cherokee Nation.
Q How long had you been living there at that time? A Ever since I was born.
Q Well, that don't tell my how long by a whole lot? A Well about eighteen years, up to the war.
Q What particular place or point or postoffice did you live near?
A Evansville.
Q Well, was Evansville in Arkansas? A In Arkansas.
Q You lived then near the line? A Yes, sir, on the line.
Q Did you ever know a man there by the name of Dale Starr? A Yes, sir.
Q Did he live near you? A He lived about a mile and a half from where I lived.
Q How long had he been living there? A Well he had been living in that neighborhood ever since I could remember.
Q Was he any relation of yours? A He was a cousin of mine.
Q Was he a Cherokee? A Yes, sir.
Q Was you acquainted with his family? A Yes, sir.
Q Did he own any slaves at the beginning of the war, Mark? A At the beginning of the war he owned one slave.
Q No more? A He had just before the war three: one was killed and the other one run away.
Q Well, how did it happen he didn't get killed too? A I understood he was killed, he never returned there at least.
Q Well, did he have any other freedmen, slaves at that time? A Some.
Q Besides these three, and you say two of them had left him?
A Yes, sir, had no others except the old man.
Q What was the name of this one he had? A Jake.
Q What was the name of the two others he had owned? A Lawson and Ike.
Q How old would Jake have been had he been alive now? A Well he would have been eighty.
Q He was an old man? A An old man, he was 60 or 65 years old at the beginning of the war.
Q Mmm Well, did Dale Starr's wife own any slaves? A No, sir, no others unless she had an interest in these three.
Q Did he ever own a slave there at any time during your knowing by the name of Charles? A No, sir.
Q Did you ever know of a Charley Hughes living there in that neighborhood? A No, sir.
Q Belonging to Dale Starr or any other Starr? A I never knew a Charley Hughes that belonged to Dale Starr or any other Starr in that country.
Q Is Dale Starr living now or dead? A He is dead.
Q Did ever you know a colored woman by the name of Creasy, called Creasy Thompson? A I knew a Creasy that was called Creasy Adair.

that once belonged to Judge Adair.
Q Where did you know her? A Knew her in Flint.
Q Well, did you ever know anything of her after the war? A Yes, I saw her there after the war.
Q Where did you see her? A Saw her in Flint.
Q Whereabouts? A I saw her about three miles of where Stilwell now stands.
Q Was she living to herself, have a house of her own? A Yes, sir.
Q About what time did she take up her residence there? A Well, I am not clear on that, it was sometime along some years after he came back home, in '68 or '9, I am not clear though on that.
Q Did she have any other home before she taken a home up there near Stilwell, that is, did she live to herself in that country anywhere? A No, only with her master before the war.
Q Where was that? A That was Judge Adair's, in a mile and a half or that; he lived within a mile and a half of where I lived.
Q About how far from where this Greasy settled after she came back? A About five miles.
Commissioner: Where is this place, Stilwell; in the Cherokee Nation? A In the Cherokee Nation, Flint district.
Mr. Bell: What do you mean by Flint? A Flint is one of the districts in the Cherokee Nation and Stilwell is a little town on the railroad in Flint District.
A. S. McRae: Are you acquainted with these applicants, Martha Hughes and Charles Hughes, her husband? A No, sir.
Mr. Bell: We are not asking anything about Martha Hughes, it is Charles Hughes.
Q Do you know anything about Charles Hughes or his ancestors? A No, sir, nothing whatever.
Q Did I understand you to say you knew all of the slaves of Mr. Sale Starr? A Yes, sir.
Q Will you please name them? A He had three, one was named Lawson and one Ike and one Jake.
Q About how old would they be if they were living now? A Well, Jake was the oldest, he would have been eighty odd years old; Lawson would have been, I expect he was 55 years old at the time of his death; just a year before the war, and Ike was a little younger, they were all grown men.
Q Now these three male persons that you name, were they the heads of families at that time? A Well I think one of them had a wife belonged to my aunt, Jake had a wife at Mrs. Rider's.
Q Did they have any children? A No, sir, no children.
Q The other two had no wifes that you know of? A I don't think that they had wives.
Q He owned no women slaves? A No, sir.
Q Well now is it a possibility that he might have owned this man Charley Hughes without you knowing it? A Oh no, I would have known it, I was frequently there.
Q How close did you live to him? A I lived in about a mile and a half.
Q Well, how long did you live in the distance of a mile and a half of him? A Well, I am living there yet, right there, and I lived from my birth up to the war right in that neighborhood right there.
Q Where were you in the year 1861? A I was in the Confederate army.
Q At what place? A Well, I was in Arkansas and Missouri and the Indian Territory, wherever I was Ordered; at Oak Hill.
Q Where were you in the year 1866? A I was at Evansville, Ark.
Q How long did you remain there? A Well, I stayed there about a year I believe or a little better.
Q The entire year of 1866? A Yes, sir.
Q And the year of '61 you were in the army? A In the army, yes.

Q How long did you remain in the war? A I remained there until the close.

Q From '61 to '65? A Yes.

Q Then this man Charley Hughes could have possibly been in the Cherokee Nation without you knowing anything about it, during that period? A He couldn't have belonged to Gale Starr.

Q I am speaking couldn't he have possibly been in the Cherokee Nation without you knowing it, you being in the army? A He might have been, it might be possible he was in the Cherokee Nation; he didn't belong to Gale Starr.

Q Well, did Gale Starr have any relatives? A Yes, sir, a good many; I am a relative of Gale Starr.

Q What relationship exists between you and he? A He was a first [illegible]

Q Then you wouldn't be of the immediate family would you? A I would be of the Starr family, for my mother was a Starr.

Q Well, were there any other slaves belonging to the Starr family other than these three you mentioned? A None belonged to Gale Starr.

Q I am speaking of the Starr family, the immediate family of Mr. Gale Starr? A Yes, his mother owned some slaves.

Q Well, do you remember their names? A Yes, sir, I remember t heir names.

Q How many did she own? A She owned old Aunt Barb and her daughter.

Q Anyone else? A I don't recollect any others; yes I do, I recollect one other, a man by the name of Cove, Cove and Barb and the daughter of Barb.

Q Well now were you acquainted with Taylor Paden? A Yes, sir.

Q What was his citizenship? A He was a Cherokee.

Q Well, did he and Mr. Gale Starr go out of the Cherokee Nation during the war? A Yes, sir.

Q Do you know where they went to? A Taylor Paden moved over on Red River; Gale Starr moved near the Kiamichi River.

Q Did Mr. Gale Starr take these three slaves you have mentioned with him? A No, sir.

Q They remained in the Cherokee Nation? A Two was killed and the older one remained.

Q Now these two women you made mention of having belonged to the mother of Mr. Starr, what became of them? A They went down with old Aunt Polly Starr down south and then they were brought back here afterwards.

Q Now I understood you to say a while ago that you didn't know Charley Hughes at all? A No, sir, never saw him to know him.

NICK BYERS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bell: What is your name? A Nick Byers.

Q How old are you? A I am going on 69.

Q Where do you live? A I live in Flint.

Q What is your postoffice? A Evansville.

Q Evansville, Arkansas, isn't it? A Yes, sir.

Q Do you live in the Cherokee Nation? A Yes, sir.

Q How long have you lived there? A I guess I have lived there, I claim I have been there 62 years.

Q Right about the same place? A In two miles of the place where we landed from Georgia.

Q Well you were living there then when the war began? A Yes, sir, I was living there with Gale Starr's mother when the war broke out.

Q You came back there then after the war quit? A Yes, sir, went right back and lived with Gale Starr then for three or four years right along.

Q Well, when the war commenced were you acquainted with Gale Starr? A Yes, sir.

Q How long did you remain in the war? A I remained there until the close.

Q From '61 to '65? A Yes.

Q Then this man Charley Hughes could have possibly been in the Cherokee Nation without you knowing anything about it, during that period? A He couldn't have belonged to Gale Starr.

Q I am speaking couldn't he have possibly been in the Cherokee Nation without you knowing it, you being in the army? A He might have been, it might be possible he was in the Cherokee Nation; he didn't belong to Gale Starr.

Q Well, did Gale Starr have any relatives? A Yes, sir, a good many; I am a relative of Gale Starr.

Q What relationship exists between you and he? A He was a first cousin of mine.

Q Then you wouldn't be of the immediate family would you? A I would be of the Starr family, for my mother was a Starr.

Q Well, were there any other slaves belonging to the Starr family other than these three you mentioned? A None belonged to Gale Starr.

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Q Did Mr. Gale Starr take these three slaves you have mentioned with him? A No, sir.

Q They remained in the Cherokee Nation? A Two was killed and the elder one remained.

Q Now these two women you made mention of having belonged to the mother of Mr. Starr, what became of them? A They went down with old Aunt Polly Starr down south and then they were brought back here afterwards.

Q Now I understood you to say a while ago that you didn't know Charley Hughes at all? A No, sir, never saw him to know him.

NICK BYERS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bell: What is your name? A Nick Byers.

Q How old are you? A I am going on 69.

Q Where do you live? A I live in Flint.

Q What is your postoffice? A Evansville.

Q Evansville, Arkansas, isn't it? A Yes, sir.

Q Do you live in the Cherokee Nation? A Yes, sir.

Q How long have you lived there? A I guess I have lived there, I claim I have been there 62 years.

Q Right about the same place? A In two miles of the place where we landed from Georgia.

Q Well you were living there then when the war began? A Yes, sir, I was living there with Gale Starr's mother when the war broke out.

Q You came back there then after the war quit? A Yes, sir, went right back and lived with Gale Starr then for three or four years right along.

Q Well, when the war commenced were you acquainted with Gale Starr? A Yes, sir.

Q Were you living about his house and with him? A I had been living there off and on, made one crop and then I would be living with his mother, and go right on to Hickory Starr, just backwards and forwards.

Q Do you know whether Gale Starr owned any slaves when the war began? A He just had one.

Q What was his name? A His name was Jake.

Q Didn't have any women then? A No, sir, never had nary a woman.

Q This Jake was a man? A This Jake was an old man, he was about 60 or 65 maybe.

Q Did he own a slave by the name of Charles? A No, sir.

Q Are you acquainted with Charles Hughes, the claimant here? A No, sir, I never heard of him.

Q Never heard of him till now? A No, sir.

Q You say you lived with Gale Starr and within two miles of him ever since you have been in the country? A Yes; yes, two miles, with the exception of the war, and lived with him out on Red River off and on.

Q Well, did he have a boy about him there by the name of Charles Hughes, or Charley, when he was on Red River? A No, sir, he never had none; had his son Charley and he wasn't a darkey.

Q Well, did you move back with him? A Yes, sir, I came right back with Gale's wagons when he came back here.

Q Did he bring a boy back with him named Charley? A No, sir, he didn't, he brought one but it belonged to John Glass, his name was Fox.

Q Well, did Gale Starr ever have any more slaves than Jake that you know of? A Yes, he had two more and one was killed by the other one and the one that killed the other run off up about Maysville somewhere and got killed, never did get them back no more; killed one and that one run off that killed that one.

A. S. McRea: What did you say your name was? A Nick Byers.

Q What is your occupation, Mr. Byers? A Well, it is a farmer.

Q Were you familiar, or did you know all of the slaves that Mr. Gale Starr owned? A Yes, sir, I knew all that he owned; never owned but three, and me there with them every day or two.

Q I understand you to say you didn't know Charley Hughes at all? A No, sir, never heard of that name, I never knew a little darkey around there by that name.

Q Now how close did you live to Mr. Gale Starr.s place? A Well I was raised in about a mile from where Gale lived and his mother lives about two miles.

Q How long was that before the war? A Well I lived with Gale Starr I think six or seven years before the war; directly after I got back from California I went there and stayed off and on and then stayed with his mother, and from that on to Hickory Starr, and Jack.

Q Did your acquaintance with Gale Starr first begin six or seven years before the war? A No, sir, I have knowed him ever since we came to the country, he was an old settler, we moved in two miles of where his mother and father lived.

Q I asked you the question did your acquaintance with Gale Starr begin six or seven years before the war? A Yes, sir; no, I knew him when I came to the country.

Q Now when did you come to the country? A Been about 62 years ago I claim, last March, the 10th of March we landed here; I was a six year old boy.

Q Did he bring these slaves with him you mentioned when he came here 62 years ago? A No, sir, he never owned a slave until he went to California and back, and he bought two, and his wife sued for one and she gained it and that made three she owned.

Q Where did he buy these two you make mention of? A He bought one from Washington Adair's estate I reckon, his name was Jake, and the other one he bought from John Marnage and Marnage I think bought him from Houston Allen that lived down on Caney, as well as I can recollect

he talked good Indian.

Q Now what became of this mad Jake? A Well sir he left him when he went off, he was an old man I reckon sixty or sixty-five years old grey headed, he went off and left him.

Q Did Mr. Starr go out of the Cherokee Nation during the war? A Yes sir, went to Red River.

Q Did he take any of these slaves with him? A No, sir, never took nary one, couldn't take the other two, they were killed.

Q Then if Mr. Beam testified that he did take one or two of these slaves with him, he was mistaken was he? He says that he taken one or two of these slaves south with him; if he says that he is wrong?

Mr. Bell: Is that the record.

[illegible]man: He didn't testify that, and it doesn't make any difference what the other witness has testified to.

Q Did the mother of Mr. Gale Starr own any slaves? A Yes, she had some.

Q How many did she own? A Well she had two grown women and three or four, three boys that I know of, these three boys, and the other one, Mary, I reckon she had about one or two and they were boys too, she took the women and the little boys with her out to Red River, three boys that I know of, Sam, Josh and Lawson.

Q Do you remember the names of the girls? A No, there was nary a girl, they were all boys, and that Mary, I don't recollect whether she went, she couldn't have went south because she wasn't out there on Red River.

Q Now Mary belonged to the mother of Mr. Gale Starr, did she?

A Yes, sir, she belonged to Mrs. Starr.

Q Now how many slaves belonged to the Starr estate, do you know, in all? A Of Mrs. Starr's?

Q Yes, sir? A Well, yes she took a man with her too, his name was Gove, a grown man, took him out, and he had a little boy, I noticed them out on Red River.

Q Did you know the name of this little boy? A Well they just had a nick name for him, they called him Bee-hunter; I guess if he is a man he is living yet.

Q You say these slaves went south with her? A Yes, sir, she took them all south.

Q Now did she return to the Cherokee Nation with them after the war? A No, she left them out there, some of them boys got up there about as quick as we got out, Sam and Josh, and there was another one seems like came out, but I can't recollect, it seems so, but Sam and Josh came out directly after me and Gale came out they followed on out.

Q Now did Sam and Josh have wives or children? A No, they were just boys then, Sam he died out here at Tahlequah at Bob Ross'; Josh though had a wife and two or three children last I heard of him, after he came back.

Q Couldn't Mr. Gale Staff have possibly owned this boy Charles Hughes without your knowing it? A Well he might have, never did, I knew nearly all the slaves.

Q I asked you couldn't hepossibly have owned him without your knowing it? A No, he couldn't have owned him, he would have had him back home.

Q Now you say he couldn't possibly owned this boy without your knowing it? A Well he might have, but what boy could it have been, which one of the boys?

Q The boy Charles? A Charles; there was nary one named Charles in that family, I know them all too much, I have been there and worked for them all the time, worked for the old lady, if I wasn't there I was at Gale's and if I wasn't there I was at Jacks Starr's, just around through the family.

Q Every day? A Every day I was out fooling about.

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Q What was your occupation at that time? A Just a farmer is all I did, just working around for first one and another.

Q Well, did you do much farming after you were there at Mr. Dale Starr's? A Yes, when I stayed at Dale's, maybe made a crop or two for him and then the old lady would want me to go over and work for them.

Commissioner: This testimony will be made part of the record in the case at bar.

Witness.

Myles G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Myles G. Jones

Sworn to and subscribed before me this the 20th of October, 1901.

Commissioner.

SUPPLEMENTAL C.F. D-565.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Charles Hughes et al for enrollment as Cherokee Freedmen.

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:
Jo. Scothorn, as agent for the applicant;
J.S.Davenport, of attorneys for the Cherokee Nation.

CHARLES HUGHES, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Charles Hughes.
Q How old are you? A I am about 47 years old.
Q What is your post-office? A Hayden.
Q You are in an application that was first started by your wife Martha in June of this year are you not? A Yes sir.
Q Didn't your wife Martha come and apply for the family? A Yes sir.
Q What is the name of your wife? A Yes sir.
Q And you have got a child that is the child of a former wife of yours? A Yes sir.
Q What is the name of this child of your former wife? A Walter Hughes.
Q How old is Walter? A He is 20 I believe.
Q When did you marry Martha, your present wife? A I don't know just when it was, it has been about 16 or 17 years.
Q What is the name of the mother of Walter? A Phoebe Graham.
Q When did you marry Phoebe? A I wasn't married to her.
Q You wasn't married to Phoebe? A No sir.
Q Phoebe was a non-citizen woman wasn't she? A Yes sir.
Q She had no rights herself at all? A No sir.
Q Phoebe is dead isn't she? A Yes sir.
Q Did she die before you married Martha? A Yes sir.
Q Do you claim now to be on the roll of 1880? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 121 #1509 Charlie Hughs, Cooweescoowee District, No age or nationality given.
NOTE: Opposite the name, saying: "Added by the Revising Committee." Signed "Copiest."

Q Now you claim to be that Charlie Hughes? A Yes sir.
Q When did the people who were taking the names for the 1880 roll first come to you and where? A I was working out I think at a man by the name of Jim Melin when they taken the census.
Q Where did they find you? A Yes sir, they found me.
Q Did they refuse to take your name at the time? A Yes sir.
Q How did it happen to be put on by the revising committee, do you know? A Yes sir, after them men taken the census at that time they couldn't find my name on the record and afterwards they straightened it somehow or another, I don't know what they did.
Q Did you go to see them about it or did they just fix it up themselves? A No I got a man, I believe its a man by the name of Norwood.
Q Where did he live? A He lived at Claremore I believe.
Q How did you know that you were disputed at that time? A Why I didn't know it at all until after the census taking was over and some one said after the roll was made they had missed my name, and they said they didn't find me.

Q And you got Norwood to attend to it? A Yes sir.
Q Do you think he put the revising committee to put it down?
A I don't know, I gotmy money afterwards.
Q What was Norwood, a lawyer? A I don't know.
Q Did you pay him anything to look after your business? A No sir.
Q You just asked him to do it and he did it? A Yes sir.
Q What is he, a white man? A I don't know what he is, whether he is a white man or an Indian
Q How old are you now? A About 47 I judge.From what the old folks tell me.
Q Had you ever been married when that roll of 1880 was taken? A No sir.
Q You had never been married down to that time? A No sir.
Q Now you and this woman Phoebe Graham, didn't you live together as husband and wife? A I cannot kind of moved around with her, sometimes I didn't live in a house with her a while.
Q Didn't she pass in the community as your wife? A I went with her of course.
Q You claimed her at that time as your wife? A Yes. She claimed to be my wife.
Q Well had you ever lived with any other woman as husband and wife before that time? A No sir.
Q Did you and Phoebe live together until she died? A No sir, I wasn't with her when she died, at the time I was living not living with her, she was living at another place.
Q How long after you and she took up living together was it before she died? A Oh it must have been 9 or 10 months.
Q Between 9 or 10 months? A No sir.
Q Well she must have died thenjust about the time this child was born, Walter? A Directly after, yes sir, he was a little baby.
Q You claimed Walter as your child? A Yes sir.
Q Well how long after Phoebe died was it before you married your present wife, Martha? A I don't know just exactly how long, it must have been a couple of years, or maybe not so long, I don't remember.
Q You never claimed any woman as your wife until you lived with Phoebe? A No sir.
Q She is the first woman that you ever kept houses with and held out to the community as your wife? A Yes sir, that's the first woman I ever kept house with myself.

BY MR. EDQUICHIE:

Q Charlie, during your application for enrollment before the Kern and Clifton enrollment you presented this certificate that you were on the 1880 roll, did that Commission take it as an evidence in your case? A Yes sir.
Q They enrolled you under that evidence? A Yes sir.
Q And you filed the certificate? A Yes sir.
Q Charlie, when you were owned as a Freedman who did you say owned you? A Cale Starr.
Q By what name were you known when you were a slave, when you were a child? A They always called me Crip.
Q Any other name, nick name? A Why sometimes they called me Slough.
Q How old were you when you belonged to this man Starr? A Well sir, I couldn't tell you just how old I was, I was small , a small sized boy.
Q In fact you don't really remember who you belonged to? A Well I only know as they said.
Q As your folks told you? A Yes sir, they said I belonged to him, I was told that I belonged to Cale Starr.

BY MR. DAVENPORT:

Q You came back with Cale Starr didn't you when you came back to the Cherokee Nation after the war? A Yes sir, they brought me back.
Q That was the Cale Starr who lived in Flint District? A Yes sir.
Q He was a brother of Hickory Starr? A Yes sir.
Q And he was also a relative of Ellis Duffy Bean, who lives in Flint District? A Yes sir, I believe so.

Q You went back to Flint District when you came from the South didn't you? A Yes sir.
Did you know Hickory Starr? A Yes sir.
Q He is living in Delaware District now isn't he? A I don't know.
Q You haven't looked him up to assist you in your application? A No sir.
Q You know Cale Starr, the man you came back with from the South? A Yes sir, I know him the most that time.
Q He is living at Tahlequah now isn't he? A I don't know.
Q Haven't looked him up to find out as to when you came back? A No sir.

BY COM'R BRECKINRIDGE:

Q You say when you applied to be put on the Verna-Clifton roll you presented a certificate of your 1880 enrollment? A It was the certificate from what they called the authenticated roll, that's where the certificate was from.
Q Was the 1880? A Yes sir.
Q Who did you get the certificate from? A I got it from Tahlequah, from the Cherokee Department down there; had the Nation's seal on it.
Q Was that just a certificate of what happen read off of the roll now? A I don't know whether it is or not.
Q You don't know about that? A No sir, that certificate I think went with the roll what was made at that time.

LOONEY WHITMIRE, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Looney Whitmire.
Q How old are you? A Why about 44 or 5, I don't know my age exact.
Q What is your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life only a few years.

BY MR. SEQUICHIE:

Q You say you came back to the Cherokee Nation immediately after the war? A Yes sir.
Q Do you know the applicant here; Charles Hughes? A Yes sir.
Q Did you know him before he returned to the Cherokee Nation? A No sir.
Q When was the first time you ever saw him? A '67.
Q Where was he at? A Tahlequah.
Q What time? A Along in the spring like.
Q Spring of '67? A Yes sir.
Q That the first time you saw him since he returned from the South? A Yes sir, that's the first time I got acquainted with him.
Q Has he been living in the Cherokee Nation continuously since that time? A Ever since, yes sir.
Q Were you a neighbor of his during the enrollment of 1880? A Yes sir.
Q How far did you live from him? A He lived with me part of the time and around in the neighborhood; he stayed there around.
Q Do you know if he was enrolled? A He said he was, he got his money.

MR. DAVENPORT: I object; the roll will show.

BY MR. DAVENPORT:

Q You say the first time you saw him was in '66? A '67.
Q That was at Tahlequah? A Yes sir.
Q Was he on his way to Flint District? A No, he was just down there
Q You don't know where he was living? A He was living up there in Flint somewhere, I don't know, no sir, exact.
Q You don't know when he came up there from the South? A No sir.
Q Did you know Cale Starr at that time? A No sir.
Q Did you ever know him afterwards? A No sir.
Q Do you know Ellis Buffington? A No sir.
Q You don't know whether he came back with Cale Starr and Ellis

Buffington from the Souther not? A No sir.
Q You heard him testify that he did? A Yes sir.
BY MR. SEQUICHIE:
Q How old was he when you saw him? A I couldn't tell you, he was a boy like myself.
Q Did you talk to him? A Yes sir.
Q Did he say anything about his return? A —
MR. DAVENPORT: I object to that; that would be making testimony for himself.
COM'R: BRECKINRIDGE:
Q When was it you say you saw him? A In the spring of '67, I remember, it was along in the spring though.
COMMISSIONER: It would be competent to develop against him anything he said at that time; you can ask him the question.
Q Did you have a talk with him with reference to when he returned or how long he had been there? A No sir.

L.D.DANIELS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A L.D.Daniels.
Q How old are you? A 36, post-office, Lenapah.
Q How long have you lived in the Cherokee Nation? A All my life, sir.
BY MR. SEQUICHIE:
Q Mr.Daniels do you know the applicant, Charles Hughes? A Yes sir
Q How long have you known him? A About '72 or '3, somewhere along there.
Q That the first time you ever saw him? A First time I saw him to know him.
Q Didn't know him any time before that? A No, not as I recollect.

Com'r Breckinridge: This will be filed as supplemental testimony in Cherokee Freedman case D 405, of Charles Hughes, et al.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this November 5th, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Charles Hughes for enrollment as a Cherokee Freedman.

No. F. D. 563

Henry Pack of lawful age, being duly sworn on oath states that on the 10th day of February, A. D., 1902, he registered to Charles Hughes whose postoffice is Hayden Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee Indian Territory; and that on the 17th day of February, 1902, he received the return card which is hereto attached, signed by the said Charles Hughes showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 17th day of February A. D. 1902

J. C. Starr
Notary Public.

F. D. 563

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190

Given under my hand this ..... day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... , 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the day of ..... A. D. 190..

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

DN 563

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 17 1902

NOTICE!

IN THE MATTER OF the application of Charles Hughes for enrollment as Cherokee Freedmen:

Case No. F. D. 862

To Charles Hughes Hayden Ex

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Supl.-C.F.D.1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CHARLES HUGHES, ET AL., as Cherokee Freedmen; introduced on part of the Cherokee Nation:

Appearances:
J.B.Sequichie, Agent for Applicant, Chelsea, I.T.;
J.S.Davenport, Cherokee representative.

Commission: The Cherokee Nation makes satisfactory proof of service on the applicant, Charles Hughes, that testimony would be introduced before this Commission at its offices in Muskogee on the 24th day of February, 1902, by the representatives of the Cherokee Nation tending to disprove the right of the applicant to enrollment as a Cherokee freedman.

C. P. GUTHRIE, being duly sworn, testified as follows on behalf of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. P. Guthrie.
Q Where do you live, Mr. Guthrie? A I live near Evansville.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation ever since November '56.
Q You say you came in 1856, now where did you come from when you came to the Cherokee Nation? A I came from Missouri.
Q Were you back and forth to Missouri along about 1870? A Yes, sir.
Q Do you know a colored man by the name of Charles Hughes, or one that goes by that name? A My father moved from Missouri to my house in 1870 and they brought a black boy with him we called Charley Hughes, sometimes they called him Charley Buchanan, but I think that was a nickname.
Q About what was the size of this boy at that time? A Best of my judgment he was about 14 years old.
Q Was he decrepit in any way or any affliction about him?
A He limped considerable in one leg, my father said from white swelling.
Q Did you know a man over there by the name of Cale Starr?
A Yes, sir, I knew him.
Q Did you know whether or not Cale Starr owned a colored man by the name of Charles? A No, sir.
Q Did they own a slave by the name of Charles? A Not that I know of.
Q You knew his slaves? A Yes, sir, he had three.
Q If he had such a slave you never knew it? A No, sir.
Q You say your father in 187o brought a colored man or ~~my~~ boy from Missouri, that is, a Charley? A Yes, sir.
Q And that boy was lame in one of his legs? A Yes, sir.
Q He would be about what aged man now, your father brought down?
A Why '70.
Q Of course you are just approximating, you would not probably know?
A He would be about 45 or 6 somewhere along there according to my judgment.

MR. SEQUICHIE:

Q What year did you say you came to the Cherokee Nation? A 1856.
Q From where? A Missouri.

Q Did you come with your father? A Came by myself.
Q When did your father come? A He came in '70.
Q Did your father own this man Charley Hughes? A No, sir.
Q Did you know where he got him? A He said he took him up in time of the war.
Q Where? A I don't know.
Q In the state of Missouri? A Yes, sir.
Q Is that where he told you; did your father tell you that?
A Didn't say he took him up in Missouri; he soldiered in Missouri from what I could learn.
Q Did he tell you he took that boy up in Missouri? A No, sir, said he took him up where he was in the army.
Q Did yu he ever tell you who owned him? A No, sir.
Q Did you ever hear that he had been owned by a Cherokee citizen?
A No, sir.
Q Did you ever know that he ever lived in the Cherokee Nation before he took him out? A No, sir.
Q Do you know whether it was in the Cherokee Nation that he took him out? A No, sir.
Q Had your father ever been in the Cherokee Nation before he came? A If he had I had no knowledge of it.
Had you been in the Cherokee Nation before 1856? A I came in 1856.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By what, blood or adoption? A By marriage.

MR. DAVENPORT:

Q When your father came down to the Territory how near did he come to the neighborhpo d where Cale Starr lived? A About a mile and a half.

MR. MCQUITCHIE:

Q Did you ever hear Cale Starr say he owned this boy? A I never heard him express himself in no way in regard to it.

TAYLOR PAYDEN, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Taylor Payden.
Q And you live where? A I said I lived in Flint district.
Q In the Cherokee Nation? A Yes, sir.
Q What is your age, Mr. Payden? A I am 68.
Q How long have you lived in the Cherokee Nation and in the neighborhood where you now live? A I lived there about 44, 5 or 6 years.
Q How old were you at the breaking out of the war, Mr. Payden?
A I was 22.
Q How far did you live from where Cale Starr lived in Flint district
A About two miles and a half.
Q Do you know whether he had any slaves before the war?
A He had about two or three.
Q Did he own a colored man by the name of Charles that afterwards went by the name of Charley Hughes? A No, sir.
Q You had known; or lived in that community from your childhood?
A Yes, sir.
Q Did you after the war, along in the seventies, learn to know a colored man by the name of Charley Hughes? A Yes, sir.
Q Do you know who he came here with? A He came here with old man Guthrie.
Q Do you iknow his first name? A I don't know.
Q Was he the father of C. P. Guthrie? A Yes, sir.
Q Charley Hughes, was there anything to be noticeable about him?
A He was a cripple.
Q Do you know where he is living now? A No, sir.

Q You know that Cale Starr never owned a man by the name of Charley?
A No, sir.
Q Cale Starr is not living now, Mr. Peyton? A No, sir.

MR. SEQUICHIE:

Q How many slaves did you say Cale Starr owned? A Three.
Q What was their names? A One was named Lawson and one named Jake and the other one, I can't think what his name was.
Q Was he the least one or oldest one? A He was the least one.
Q About how old was this last boy that you can't think of his name?
A When I knowed him he must have been about 23, 4 or 5.
Q Did you know this least one of the slaves that Cale Starr owned and Charley Hughes both at the same time? A No, sir.
Q How long after you knew that Cale Starr owned those three slaves that you knew Charley Hughes? A I knew him in '70.
Q How long after Cale Starr had owned these three slaves?
A Directly after the war.
Q How many years? A War ended in 1865 and this was in 1870.
Q 1865 would be five years? A This old man brought this negro from Missouri.
Q Whereabouts in Missouri did he bring him from? A I don't know.
Q How do you know he brought him from Missouri? A He said so.

MR. DAVENPORT:

Q When Mr. Guthrie moved to the Cherokee Nation he moved right in the neighborhood Cale Starr lived? A Yes, sir.
Q Was Cale living at that time? A Yes, sir.
Q Did you ever hear as a matter of definite information that this man, Charley Hughes, belonged to Cale Starr before the war?
A No, sir, I never; he never did; I know he came with this old man from Missouri.

MR. SEQUICHIE:

Q Did you ever hear anybody say that this man was not the same man?
A Yes, sir.
Q It was generally understood in the neighborhood he didn't belong to him? A Yes, sir.

MR.

FRANK PACK, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Frank Pack.
Q Where do you live, Frank? A Tahlequah.
Q Do you know this man who claims citizenship by the name of Charley Hughes? A Yes, sir.
Q How long have you been knowing him, Frank? A Since '74 or 5.
Q What is his color, black fellow or yellow fellow?
A He is dark.
Q Is there anything about him to make you notice him?
A He is always walked kinda crippled.
Q Do you know where he is living now? A Living up on Lightning Creek, last time I heard of him.

MR. SEQUICHIE:

Q Frank, you say you know Charley Hughes in 1874? A Yes, sir.
Q Where did you get acquainted with him? A I got acquainted with him at old Aunt Betsy Whitemire's, stayed with her a while.
Q When was the next time you saw him? A I saw him pretty much all the timeQ
The first time you knew him, did you ever hear whether he belonged to Cale Starr or anybody else? A No, sir.
Q Did you know anything about him being brought from Missouri?
A No, sir, I don't know anything about where he come from.
Q Did you know anything about his citizenship? A No, sir.
Q Whether he is a freedman or not? A No, sir.

Q Don't know anything about him at all? A I don't know anything about his citizenship, I got acquainted with him about '74 or '5.
Q First time you ever saw him was in the Cherokee Nation?
A Yes, sir.

NELSON LOWREY, being duly sworn, testifies as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Nelson Lowrey.
Q Where do you live, Nelson? A I live at Tahlequah.
Q How long have you lived in that locality? A I have lived in that locality all my life.
Q Do you know a colored man who claims citizenship by the name of Charles Hughes? A Yes, sir.
Q How long have you known him? A It has been about 25 or 6 years since I saw him.
Q Is he a light fellow or dark fellow? A He is a dark fellow.
Q Is there anything noticeable about him, about his walk?
A We always called him Slough ma footed Charley, he always walked kinda curious.
Q Where does he live? A He lived out about Lightning Creek.
Q Did he ever live out in your locality? A Yes, sir, he lived with Alonzo Cullins and Betsy Whitmire.
Q Walked kinda lame? A Yes, sir, walked like his feet was sore.

MR. SEQUICHIE:

Q When was it you first knew Charley Hughes? A It was along about 1875.
Q Did he walk very crippled? A No, sir.
Q When was the last time? A Saw him at Vinita.
Q How did he walk then? A About like he did first time I saw him.
Q Do you know whether he was or was not a slave? A No, sir.

---oOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this February 24, 1902.

Commissioner.

C. F. D-563.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 22, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CHARLES HUGHES, ET AL., as Cherokee Freedmen.

Appearances:
W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation.

Witnesses placed under the rule.

BY COMMISSION : What is your name? A Charlie Hughes.
Q How old are you? A Forty-nine.
Q What is your posteffice? A Hayden.
Q You are the same Charlie Hughes that made application for enrollment as a Cherokee freedman, are you? A Yes sir.
Q Where do you live? A On Lightning Creek, in Cooweescoowee district.
Q Ho w long have you lived in Cooweescoowee district?
A Thirty years I guess, maybe not so long.
Q Were you living there in 1880? A Yes sir.
Q Is your name on the '80 roll? A Yes sir.
Q What family were you living with in 1880? A Living with Looney Glass.
Q Do you remember when the census takers came around in 1880?
A Yes sir.
Q Were you at Looney Glass's house at that time? A No sir, I wasn't at home.
Q Who gave in your name? A I was working away from home at Mr. Mayland's, near Alluwe.
Q What district is that in? A Cooweescoowee, same district.
Q Did you find out who gave in your name to the census takers?
A Yes sir.
Q Who? A A man by the name of John Hicks, and Dick Duck I believe his name was, yes sir.
Q Did you get the 1880 money? A Yes sir.

MR. HASTINGS: You never saw the census takers then did you?
A Yes sir, I seen them.
Q I though you said you was at work down at Jim Mayland's away from home, you saw them down there did you? A Yes sir.
Q Were you married in 1880? A No sir.
Q Have you ever been married? A Yes sir, I have been married.
Q When were you first married? A Along about, a little over 26 years.
Q 26 years ago? A Yes sir.
Q What is your oldest child's name? A Walter.
Q About how old is Walter? A I don't know just how old he is, 21 or 22 if I am not mistaken, I believe he is 21, I am not positi ve.
Q What is Walter's mother's name? A Her name was Phoebe Graham.
Q Is Walter the oldest child you ever had? A Yes sir.
Q What's the next child after Walter? A Arthur.
Q Were you married 4 or 5 years before Walter was born?
A I don't know just how long it was before he was born.
Q You say you were living with Looney Glass in 1880?
A Yes sir, I made it my home there.
Q How much money did you draw in 1880? A It was $16.00 if I am not mistaken; $16.55 or '65. I believe it was '55.

Q Where did you get it? A At Claremore, Mr. Lipe's.
Q Did you draw it when other people drew their money?
A No sir, didn't draw it at the time of the payment. I was sick and couldn't go. I wasn't at the payment.
Q Did you draw your money yourself? A Yes sir.
Q Can you write your own name, so as to receipt for the sixteen dollars? A No sir, I can't write.
Q Did you ever draw any other money? A Yes sir.
Q When? A The Wallace Money and the Clifton money. I drew the first money was ever paid out to my knowledge, called bread money.
Q Who owned you before the war? A Cale Starr.
Q Where did you go during the war? A We started south, as near as I can recollect, I was just a kid, went to a place called Red River, as far as they got.
Q Who did you come back with after the war? A Came back with the
Q With who? A Starr's folks.
Q Did you come back with Cale Starr? A I don't think he was along. Came with the women folks.
Q What women folks came back when you did? A A lady by the name of Chrissy Thompson, and another woman by the name of Sunday.
Q I mean of Cale Starr's folks. A Old Aunt Lucinda Starr, and another colored woman by the nameof --
Q Did any of Cale Starr's folks come back with you? A That's them.
Q Lucinda Starr? A Yes sir.
Q Was that Cale Starr's wife? A Yes sir.
Q Who else came back? A A boy by the name of Newt, a young man.
Q Newt Starr? A Yes sir, and a little young fellow called Gus Riley, called him Little Gus.
Q Where did you come to? A Come back to a place they called, stopped on the place called Sallisaw a while.
Q Was that in the spring or summer or fall? A I don't remember what time of the year it was. It wasn't cold. I think it was in the fall.
Q How long did you stay there? A On Sallisaw?
Q Yes? A We stayed on Sallisaw a couple of months.
Q Where did you go then? A Back to Flint district.
Q How long did you live in Flint? A I lived there then until -- I don't know, it might have been 3 or 4 years . Maybe just 2, I can't remember; might have been 2 years.
Q Where did you go from Flint? A Come from Flint to Tahle quah.
Q Who did you live with in Flint? A Lived with a woman by the name of -- I worked for her, Lucy Adair.I worked a good deal; I worked out for her and Eph Adair.
Q How far was that from Cale Starr's place? A It must have been 3 miles, 2 or 3 miles.
Q How far is it from where Mark Bean lives? A Mark Bean lived about a mile and a half or 2 miles.
Q You worked right around in that neighborhood for 2 oS 3 years?
A Yes sir.
Q You went from there to Tahlequah, A Yes sir
Q Who did you live with at Tahle quah? A Lived with Looney Glass some then lived with Alonzo Manley some.
Q How long did you live about Tahlequah? A About 9 years.
Q Where did you go from there? A Down by Fort Gibson.
Q Did you know Nick Byers? A Yes sir, I guess I knowed him, I know one Nick.
Q Do you know C. P.Guthrie? A No sir, I flidid I have forgotten him.
Q You use to live in the State of Missouri, didn't you?

A No sir, not me.
Q You say you didn't know C. P. Guthrie? A Didn't know him.
Q Did you know Taylor Peyton? A Cherokee?
Q Yes? Lives right there close to Evansville?
A Yes, I believe I know him. I guess I have; I was raised right there close to Taylor Peyton's.
Q Did you know him before the war? A Taylor Peyton?
Q Yes? A No, I knew some Peytons, I don't remember whether I knew Taylor or not. I knew some Peytons before the war; I was small then.
Q Did you ever have any affliction with your leg, ever have white swelling on your leg? A No sir, never did have white swelling.
Q Ever have anything? A I was crippled with a wil d horse.
Q Makes you walk a little crippled? A Yes sir.
Q What was Clae Starr's children's names before the war ?
A I use to play with one named Newt, Charley, Margaret and Callie. Thats all the children I can recolect he had.
Q Where did they live when the war came up? A We lived about a mile ~~and~~ and a half or 2 miles, I couldn't tell which way it was, from the little tonw they call Evansville.
Q Who all went south with Cale Starr? A Couldn't tell you who did
Q Do you remember any of them? A Yes sir, I remember these two boys, I think it is the same two.
Q What is their names? A Charley and Newt.
Q Did you have any colored people went south with you?
A No sir, I don't remember only these two women, they was along in the same outfit. But they didn't belong to Aunt Cinda.
Q Was she a colored woman? A Yes sir, Cinda, I will think of her name in a minute -- Crissie Thompson.
Q They didn't belong to Cale Starr? A No sir.
Q Did Cale Starr have any colored people except these when the war came up? A Yes sir, I think he did.
Q What were their names? A He had a boy named Josh and Sam.
Q Was Josh older or youn er ~~xx~~ than you? A He was older than me.
Q Was Sam older or younger than you? A He was older I believe.
Q Was Sam married before the war? Have a wife? A No sir, not to my knowing.
Q Did Cale Starr have any other colored people but you and Josh and Sam? A I can't recollect. He had a man by the name of Gull. The time of the war they all split up so; of course I was small, I can't recollect them all. As near as I can recollect they had a colored man by the name of Gull.
Q What kind of a house did Cale Starr live in before the war?
A He lived in a double log house.
Q Did he have a spring or a well? A Spring.
Q How far from Evansville did he live? A It must have been 2 miles; either a mile and a half or 2 miles, as near as I can recol - lect.
Q Did you know Ellis Buffington? A Yes sir.
Q Did he come back with you from the south? A Seems to me like Ellis was along, I believehe was along.
Q Was Charley Starr along? A I am not sure now. Charley Starr and Ellis Buffington -- ~~was~~
Q Was Charley Starr along? A Yes sir, as near as I ~~can~~ recollect he was.
Q Was any other colored people along with you as you came back?
A I don't remember whether there was or not.
Q You say you never saw those census takers when they took it?
A Never saw them at Looney Glass's, but I did see them at Hayland's while I was working there, they came down there. They were there at Looney Glass's.

Q What kin is this man, Jack Landrum, to you? A Father-in-law.
Q When did you first see him? A First saw the old man in Flint district.
Q When, before or after the war? A After the war.
Q Who were you working for when you first saw him?
A I wasn't working at that time.
Q Who was you living with? A I was working for this Lucy Adair, down at a place called Adeline Johnson's. He stayed there all night.
Q In the spring, fall, summer or winter? A I believe it was in the fall.
Q How long had you been back in Flint after the war, when you saw Jack? A I had been back there 3 or 4 years, 2 or 3 or 3 or 4, I don't remember how long I had been back there.
Q What is your father's name? A Thompson, I can't remember his given name, so they claim. I never did see him.
Q What is your mother's name? A Rosa Johnson, thats what they claim; I never did see either one of them.
Q Your name is Hughes? A Yes sir.
Q How did you get the name of Hughes? A My father's name was Houston, I never did see him.
Q Didn't you give the Commission your father's name as Johnson Thompson? A Maybe I did sometime/ sometimes I get it mixed up.
Q Is his name Johnson Thompson, or Houston Thompson, or what?
A Must be Houston Thompson; the folks always said I was related to two men; sometimes called me one and sometimes the other.
Q Your father's name then was Houston Thompson?
A I believe that's it, I am not sure. It is one or ther other; I don't know which one of the names I gave before.
Q How long have you been going by the name of Hughes?
A Ever since I can recollect. They used to call me Houst.
Q Don't you hink that if you belonge d to Starr's you ought to be called by the name of Charley Starr? A Yes sir They did.
Q How lon: did they call you Charley Starr? A There was two Charley Starr's, and they nicknamed me and called me Plake, and some called me Hip, so I changed it from that to Houst; changed it to Charley Hughes; after I came up here there was another Charley Starr on Big Creek and he said I would get mixed up. There was another Charley Starr on Big Creek and I went to John and he said I would get mixed up; I went here by the name of Charley Starr ever since I was at Tahlequah.
Q Did you ever live in the town of Tahlequah? A Nosr, never did live right in town; I worked there a good deal.
Q To whom did your mother belong when the war come up? A I don't know who she belonged to.
Q What was her name? A I don't know; she was a Johnson or a Thompson.
Q How far did your mother live from you? A I never did see my mother to recollect.

BY COMMISSION: Is Walter Hughes your son? A Yes sir.
Q How long has Walter lived in the Cherokee Nation?
A He was born here.
Q Always lived there? A Yes sir.

JOHN LANDRUM, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A John Landrum, Jack they call me
Q How old are you? A I am about 64 I expect, going on 64.
Q Where do you live? A I live on Lightning Creek.

Q What is your postoffice? A Hayden.
Q Do you know Charles Hughes? A Yes sir.
Q How long have you known him? A About 30 years I guess, somewhere along there.
Q Where was he living when you first knew him?
A When I first saw him I wasn't acquainted with him; it was in Flint.
Q In Flint District? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q What name did he go by at that time? A Charley Hughes; that's what he went by then; that's what he told me. I wasn't acquainted with him then; that's the first time I saw him.
Q When did you see him next after that? A I saw him about a year I guess, after that I saw him again.
Q Where has Charles Hughes been living ever since you knew him?
A On Lightning Creek.
Q What district? A Cooweescoowee.
Q In the Cherokee Nation? A Yes sir.
Q Did you ever know him by any other name except Charles Hughes?
A No sir, never.
Q Did you know another colored man by the name of Charles Hughes in Cooweescoowee District? A No sir, I din't.
Q Do you remember when the census takers came around in 1880?
A Yes sir.
Q Where were you living then? A Living on Lightning Creek, there by the postoffice, where it is now.
Q Where was Charles Hughes living then? A He was working for Jim Mayland then at that time.
Q How far was that from where you were living? A About 4 miles 4 or 5 somewhere along there.
Q What family was Charley Hughes living with at that time, what man was he living with? A He didn't have any family at all; he was a single man then, at that time. He was single; when he wasn't working out he stayed at old Aunt Patsy Whitmire's.

BY MR. BELL: What Whitmire? A George Whitmire's Patsy. Patsy Glass she went by the name after she was married. She went by that name. Patsy Glass, Looney Glass's mother.
Q What man, or what family, was Charley Hughes living with in 1880 when the census takers came around? A He was staying with them then; Josh Glass and Looney Glass, there on Lightning Creek;
Q Staying with Looney who? A Looney Glass, Patsy Glass's son.
Q Do you know when Charley Hughes drew his money for the 1880 payment? A Yes sir, I thi nk I do.
Q Di dhe draw it at the time the others did, at the regular payment?
A Yes sir, I think he drew every payment except one payment; I didn't see him draw that.
Q When did he draw the '80 payment, the same time the others drew it? A Yes sir.
Q Do you know where he got that money, that 1 880 payment?
A I think he got it at Dog Creek; I think it was there by Lipe's
Q Do you know who paid it. A Lipe I think paid it at that time, if I mistake not.

BY MR. HASTINGS: You say this fellow drew th e money right when the other fellows drew it? A I didn't see him exactly hand it to him but I seen him with it.
Q Is he any kin to you? A No sir, son-in-law.
Q Just son-in-law? A Yes sir, that's all the relation he is to me.
Q He wasn't your son-in-law in 1880? A No sir.
Q How old is his eldest child? A Well, he is about 17 or 1 8, somewhere there; just couldn't tell you; they got his name down there.
Q You never saw him before the war? A No sir, didn't know a thing about him at that time.

Q You saw him a ter the war? A Yes sir.
Q Who was Harry Still working for in 1880? A If I must tell you sir, I couldn't tell you because I was roughing it here and there and I couldn't tell you.
Q Who was Nick Miller working for in 1880? A Couldn't tell you a thing about it.
Q Who was this Bill Vann or Bill Steve, working for in 1880? You don't remember that? A No sir, I don't.
Q It has been a long while ago? A Yes sir, a good long while. I couldn't remember them fellows; I would rough around like them fellows did and I couldn't tell you about them boys at that time.
Q Who was Charley Hughes working for in 1870? A Well, now, that -- I couldn't tell you that just exactly.
Q Who was he working for in '75? A I think he was working, if I mistake not, he worked for Jim Mayland a good while, but I couldn't tell you right at the date.
Q He told you yesterday before you came over here that he would testify that he was working at Jim Mayland's?
A No sir, I'm telling you the truth, he never got me to witness for him until we started to come here.
Q What did you come for? A On other business.
Q What did you come for? A I came to witness for Celia Thompson, old Daniel Thompson's wife.
Q Didn't come to witness for your son-in-law? A No sir.
Q You came from home with him? A I told you before, he told me that he had Looney Glass and Looney Glass wouldn't come on account of what he had to do on Big Creek.
Q You come with him? A Yes sir, I come with him from home.
Q You havn't seen Celia Thompson until you got here, for months have you? A No sir, I saw her since.
Q When did you see her? A Last week.
Q What time last week? A Give me time to study. If I tell you a wrong tale I will correct it if you will allow me to. It was last Thursday or Wednesday, Wednesday or Thrusady, somewhere in there.
Q Where did you see her? A At home.
Q Was she down at your house? A Yes sir.
Q Had she got a letter from the Commission at that time?
A At least she told me she had. Yes she had.
Q When did you come here? A I come here this morning.
Q To town, to Vinita? A This morning.
Q Charley's case was set for to-day wasn't it? A So he said; that's what he told me.
Q Don't you know that you don't remember who anybody worked 23 years ago, you don't remember a single one do you? A No sir, I don't; to tell you the truth I don't know.
Q You don't know who he was working for in 1885? A I think he was working for Jim Mayland.
Q He worked pretty near all his life for Jim Maylnad? A No sir, he wasn't.
Q Was he working for him in 1870? A I couldn't tell you the date.
Q Was he working for him in 1890? A I couldn't tell you the dates I am not posted well enough to do that, I am ignorant of that because I can't help myself.
Q You can tell whether he was working for him in 1880 or not?
A He was working for him but I couldn't tell just exactly what year it was. Just exactly what year it was I couldn't tell you to swear to it, and I won't do that.

CHARLES HUGHES ~~in said~~ re-called:

BY MR. HASTINGS: Where did you get acquainted with Mr. Buckhannon?
A Buckhannon?
Q Yes? A I don't know as I know Buckhannon.
Q Don't you know a man by that name? A If I do I don't know it, no sir.

Q You was called Buckhannon yourself, sometimes? A No sir.
Q You deny that? A No sir, never did.
Q You say that C. P. Guthrie's father didn't bring you from Missouri, about 1870? A No sir.
Q You deny that? A Yes sir, not this black man.

Mr. Hastings: The Cherokee Nation asks that this case be continued until Friday, September 26th, in order that some rebuttal testimony may be introduced in this case, and especially requests the Commission to ask that the applicant himself, upon that occasion, be present in order that he might meet the witness face to face for identification.

Commission: Case continued, Friday September 26th, and witness is requested to be present at that time.

William Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 15th day of October, 1903.

Charles H Sawyer
Notary Public.

Cherokee Freedmen D 563.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Hughes and Walter Hughes as Cherokee Freedmen.

-: D E C I S I O N :-

The record in this case shows that on June 6, 1901, Martha Hughes appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment, among others, of her husband, Charles Hughes, and his minor son, Walter Hughes, as Cherokee Freedmen. The other parties to the application being differently classified are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 24, 1902, and at Vinita, Indian Territory, on October 24 and 31, 1901, and September 22, 1903.

The evidence shows that the said Charles Hughes is identified on the 1880 authenticated Cherokee roll; and that Walter Hughes is his son, born since the making of said roll.

The evidence further shows that Charles Hughes has resided in the Cherokee Nation continuously since 1880 and that his son, Walter Hughes, has resided therein since birth.

It is, therefore, the opinion of this Commission that Charles Hughes and Walter Hughes should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

Commissioner.

X

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...SSION TO THE FIVE CIVILIZED T...

FILED

MAR ... 1902

... CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Charles Hughes,
Hayden, I. T.
Cherokee F-D-563
Register.

Cherokee Freedmen
D-668.

Muskogee, Indian Territory, September 9, 1905.

Charles Hughes,

Hayden, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required, other than your own, tending to identify you as the Charlie Hughes who is shown upon the 1880 roll.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 26, 1905, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-668.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Martha Hughes for the enrollment of Charles and Walter Hughes, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-12.

Commissioner in Charge.

Cherokee freedmen
D-668.

Muskogee, Indian Territory, April 21, 1906.

Martha Hughes,

Hayden, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1906, granting your application for the enrollment of your husband, Charles Hughes, and your minor child, Walter Hughes, as Cherokee freedmen.

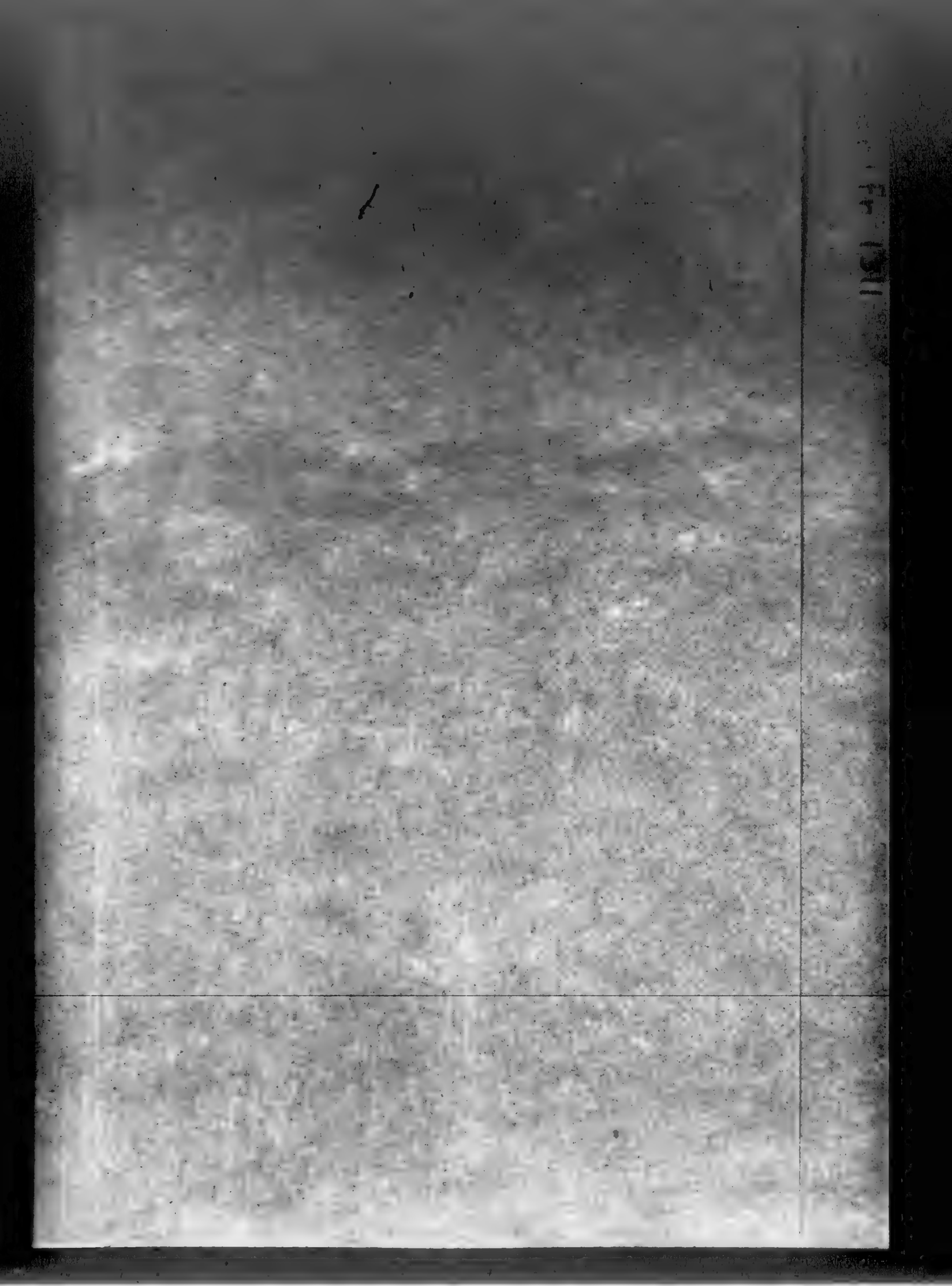
Respectfully,

Register

Enc. D-39.

Chairman.





[illegible], as to Wife, Ella Ross, and child:

[illegible] OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 24th, 1901.

In the matter of the application of Perry Ross for the enrollment of himself and one child as Cherokee Freedmen, and for the enrollment of his wife, Ella, as a Cherokee Freedman by Intermarriage; said Ross being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Mr. A. M. Galloway, Attorney for Applicants.
Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A Perry Ross.
Q How old are you? A About 55.
Q What is your post office? A Tahlela
Q What district do you li ve in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman. A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and one child.
Q What is y our wife's name? A Ella.
Q How old is she? A She is 26.
Q What is your child's name? A Minnie.
Q How old is she? A Going on nine years old.
Q I s your name on the roll of 1880? A Yes, sir, on all the rolls.
Q Is your wife's name on the roll of 1880? A No, sir; on '96 roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 165, #2425, Perry Ross, Cooweescoowee Distri ct; note: "On Census '83 as a native Cherokee."

The Census Roll of Freedmen of the Cherokee Nation examined and name of applicant and hi s child fo nd thereon as follows:
Page 247, #4172, Perry Ross, Cherokee, Cooweescoowee Dist.
Page 247, #4174, Minnie Ross, Cooweescoowee Di strict.

Q You say your wife is a non-citizen? A Yes, sir.
Q When were you married to her? A In '82; '92.
Q Have you got any proof of marriage? A N o, sir, not here, I haven't.
Q Were you ever married before you marriex her? A I was li ving with a woman.
Q Who is the mother of Minnie? A Ella Ross.
Q Was Ella ever marriedbefore she married you? A No, si r.
Q Ella is living now? A Yes, sir.
BY MR. HASTINGS:
Q Your former wife was named Mariah? A Yes, si r.
Q She is living yet? A Yes, sir.
Q When did you commence living with her? A In the year of 1874.
Q And you li ved with her up un til after the r oll of 1880?
A Yes, sir.
Q You had two children by her, by the name of Ruth?
A No, sir, that is my stepdaughter.
Q Who is Jesse? A Yes, that is my child.
Q You lived together in the same house with her? A Yes, sir.
Q Held her out to t he community as your wife and had her enrolled as such? A Yes, sir, she was enrolled.
BY COM'R NEEDLES:
Q Did y ou ever get a diveree from her?
A Yes, sir, didn't to say get a divorce neither, she had a divorce and had it arbitrated.
Q Have you got any certificate of arbitration? A No, sir, had no certifi cate of where we was ever married.

DEPARTMENT
JUSTICE
FILED
JUL 18 1907

DOCKETED, as to Wife, Ella Ross, and child:

DEPARTMENT O F THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 24th, 1901.

In the matter of the application of Perry Ross for the enrollment of himself and one child as Cherokee Freedmen, and for the enrollment of his wife, Ella, as a Cherokee Freedman by Intermarriage, said Ross being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Mr. A. M. Calloway, Attorney for Applicants.
Mr. W. W. Hastings, Cherokee Representative.

Q What is your name? A Perry Ross.
Q How old are you? A About 53.
Q What is your post office? A Talala
Q What district do you li ve in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman. A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and one child.
Q What is y our wife's name? A Ella.
Q How old is she? A She is 26.
Q What is your child's name? A Minnie.
Q How old is she? A Going on nine years old.
Q I s your name on the roll of 1880? A Yes, sir, on all the rolls.
Q Is your wife's name on the roll of 1880? A No, sir; on '96 roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 165, #2425, Perry Ross, Cooweescoowee Distri ct; note: "On Census '83 as a native Cherokee."

The Census Roll of Freedmen of the Cherokee Nation examined and name of applicant and hi s child fo nd thereon as follows:
Page 247, #4172, Perry Ross, Cherokee, Cooweescoowee Dist.
Page 249, #4174, Minnie Ross, Cooweescoowee Di strict.

Q You say your wife is a non-citizen? A Yes, sir.
Q When were you married to her? A In '82; '92.
Q Have you got any proof of marriage? A N o, sir, not here, I haven't.
Q Were you ever married before you marriex her? A I was li ving with a woman.
Q Who is the mother of Minnie? A Ella Ross.
Q Was Ella ever marriedbefore she married you? A No, si r.
Q Ella is living now? A Yes, sir.

BY MR. HASTINGS:

Q Your former wife was named Mariah? A Yes, si r.
Q She is living yet? A Yes, sir.
Q When did you commence living with her? A In the year of 1874.
Q And you li ved with her up un til after the r oll of 1880?
A Yes, sir.
Q You had two children by her, by the name of Ruth?
A No, sir, that is my stepdaughter.
Q Who is Jesse? A Yes, that is my child.
Q You lived together in the same house with her? A Yes, sir.
Q Held her out to t he community as your wife and had her enrolled as such? A Yes, sir, she was enrolled.

BY COM'R BREEDLOVE:

Q Did y ou ever get a diverce from her?
A Yes, sir, didn't to say get a divorce neither, she had a divorce and had it arbitrated.
Q Have you got any certificate of arbitration? A No, sir, had no certifi cate of where we was ever married.

Q She is living? A Yes, sir.
Q You say she never was a citizen, Mariah? A Yes, sir, she was a citizen.
Q You have children by her? A One by Mariah.
Q You are not applying for her? A No, sir.

BY MR. CALLOWAY:

Q Well, you stated that you had this case arbitrated, before whom was it arbitrated? A Mr. John Norman, Judge of Cowweescoowee District, but I can't remember the year.
Q Who was Clerk of the District? A Arch McCoy.
Q Did you have any record of this arbitration? A Yes, sir; the Clerk had a record of it; she had a man and I had a man.

BY MR. HASTINGS:

Q He didn't arbitrate it, the Judge? A No, sir.

BY COM'R NEEDLES:

Q Have you always lived in the Cherokee Nation, Perry?
A I have, but I went out soldiering a while.
Q Have you been living here ever since 1880? A Yes, sir.
Q Is Minnie, this child, alive and living with you?
A Yes, sir

COM'R NEEDLES: Perry Ross applies for the enrollment of himself and his child, Minnie. He is duly identified upon the authenticated roll of 1880 as well as the census roll of 1896. He makes satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman.

He avers that he is now married to one Ella Ross, a non-citizen, 26 years of age, and makes application for the enrollment of his wife as an Intermarried citizen. He makes no satisfactory proof of his marriage to said Ella Ross. He avers that he lived with one Mariah Ross, whose name is found upon the authenticated roll of 1880, but no satisfactory proof is made as to the divorce being procured between he and his wife, Mariah, before he married his present wife, Ella. It will be necessary in the matter of the enrollment of his wife, Ella, as an Intermarried citizen and his child, Minnie, as a Cherokee Freedman, to file satisfactory proof of his divorce from his former wife, Mariah, as well as satisfactory proof as to his marriage to the said Ella. Consequently said Ella Ross will now be listed for enrollment as a Cherokee Freedman by Intermarriage upon a doubtful card and his child, Minnie, will also be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting satisfactory proof of divorce and marriage above referred to. The applicant will be notified by mail of the action of the Commission when arrived at.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of July, 1901.

Commissioner.

Cherokee Freedmen D 840

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Ross as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on June 24, 1901, Perry Ross appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and minor child, Minnie Ross, as Cherokee Freedmen. The application also included Ella Ross, wife of said Perry Ross, who claims right to enrollment as a Cherokee Freedman by intermarriage but, the status of such persons not being fixed at this time, the said Ella Ross is not embraced in this decision. The said Perry Ross is not embraced in this decision as his name appears on the partial roll of Cherokee Freedmen approved by the Secretary of the Interior on January 16, 1903, at number 2590.

The evidence shows that the applicant, Minnie Ross, is the minor child of the said Perry Ross, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

The evidence further shows that the said Minnie Ross was born and has always resided in the Cherokee Nation.

It is, therefore, the opinion of this Commission that the said Minnie Ross should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

Commissioner.

1311

PAYMENT
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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 24, 1901

Post Office Tahlequah I.T.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 a. Name of wife Ella Ross Age 26

Owner's name ..... Citizenship .....

Year ~~Page~~ ~~No.~~ ~~District~~

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

2. Minnie Ross Year 1896 Page 247 No. 4174 Dist. Coo 9

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Perry Ross (husband) Stenographer J. D. Rosson

Proof of divorce of Perry Ross from former wife also proof of marriage to present wife required & presented by A. M. Calloway – Clarmore

J. Ref.

Cherokee Freedmen
D-840.

Muskogee, Indian Territory, April 21, 1904.

Perry Ross,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for the enrollment of your minor child, Minnie Ross, as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-15.

Cherokee Freedmen
D-340.

Muskogee, Indian Territory, April 21, 1904.

Joe M. LaHay,

Representing A. M. Galloway,

Attorney for Perry Ross et al.,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Perry Ross for the enrollment of his minor child, Minnie Ross, as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-16.

Cherokee Freedmen
D-840

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of Minnie Ross as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-10

Commissioner in Charge.

COPY.

Cherokee Freedmen

No. 1319.

Muskogee, Indian Territory, January 12, 1906.

Ella Ross,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of January 3, relative to the enrollment of your daughter, Minnie Ross, as a Cherokee freedman.

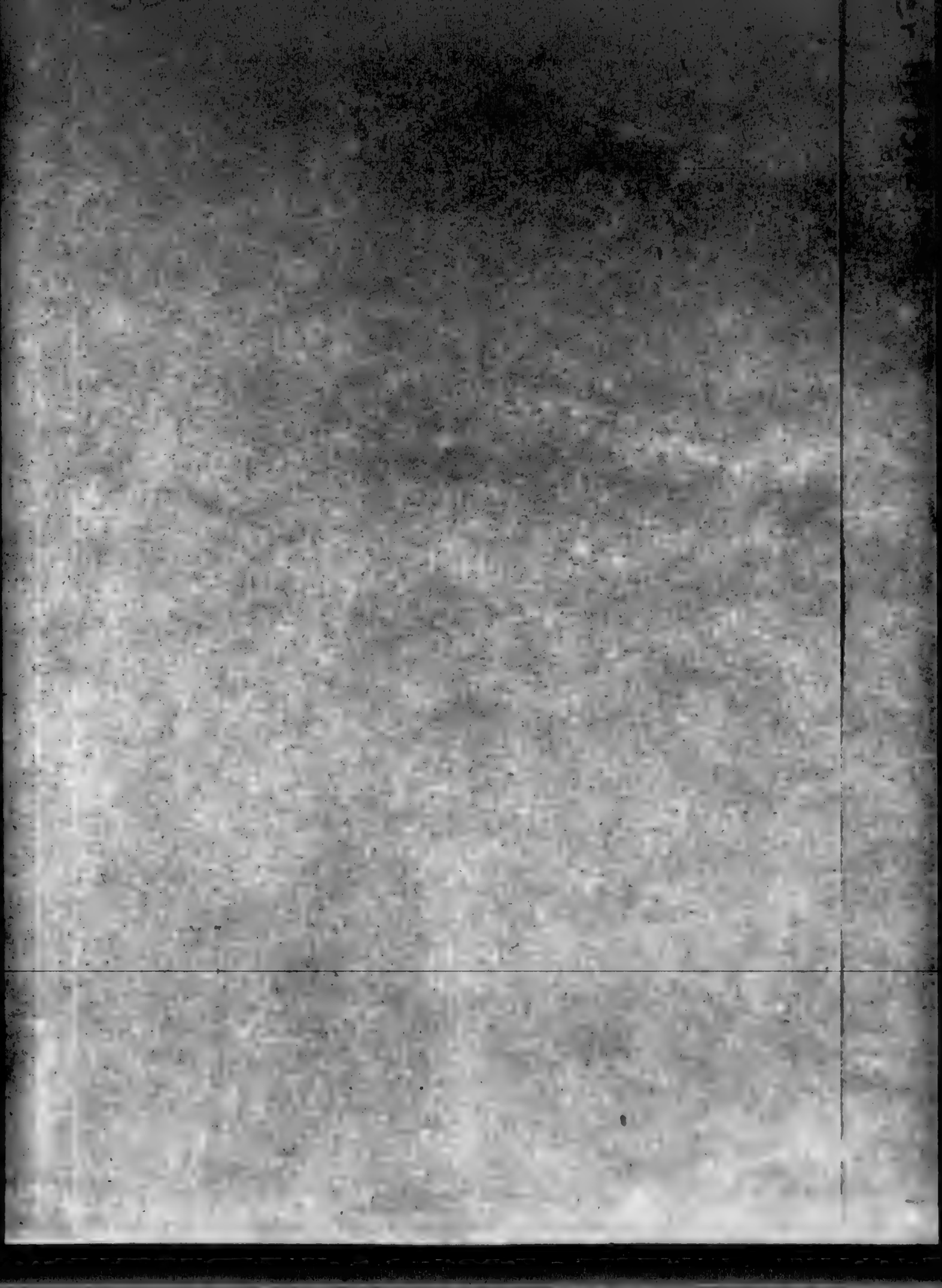
In reply you are advised that the name of your daughter Minnie Ross, appears upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904, opposite number 3623.

You are further advised that you will be permitted to make an allotment selection for your said minor child when your ticket of admission is reached in the regular order.

Respectfully.

(SIGNED). Tams Bixby.

Chairman.



FILED
MAY 11 1908

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 11 1908

[redacted]

In the matter of the application for enrollment as Cherokee freedmen by [redacted]

[redacted], being duly sworn, deposed as follows:

Mr. Bishop: What is your name? A - [redacted].

Q - How old are you?

A - I don't know, sir, you will have to look on the rolls and see how old I am.

Q - How big a girl were you when the war broke out?

A - I don't know, sir.

Q - Do you remember the war?

A - Yes, sir; I guess I am about 40. My oldest child is 20 years old.

Q - What is your post office address? A - [redacted].

Q - Where do you live?

A - I am living here, but my home is in the Cherokee Nation.

Q - How long have you been living in the Cherokee Nation.?

A - About four years. I was enrolled at Fort Gibson. I belong to the Illinois district.

Q - Have you lived outside the Territory during the past three years? A - No, sir.

Q - To which district do you belong? A - Illinois.

Q - Is your [redacted] name on the 1880 roll?

A - I don't know whether that roll was made.

Q - Were you a slave? A - Yes, sir.

Q - Who was your [redacted]?

A - [redacted].

Q - What [redacted] father's name?

A - [redacted].

Q - Is he living or dead?

A - [redacted] when I was a little girl.

Q - Was he a [illegible] Indian?

A - Yes, sir.

Q - What [illegible] did he belong to?

A - I don't know, sir. I was very little when he died. He lived over at Mt. Vernon.

Q - Who was your father's sister? A - Jim Allen Thompson.

Q - What was your father's name? A - Lile Thompson.

Q - Is she living or dead?

A - She died shortly after he did.

Q - Was she a Cherokee Indian? A - Yes, sir.

Q - What was her maiden name?

A - Jim Allen Thompson.

Q - Are you married? A - Yes, sir.

Q - What is your husband's name? A - Tom Simmons.

Q - Is he a Cherokee? A - No, sir, a white man.

Q - Have you any children under 21 years of age?

A - Got a daughter, but under 21 years of age.

Q - Have you been married more than once?

A - Yes, sir, three or four times.

Q - What was the name of the man you were living with in 1906?

A - I don't know what was that one.

Q - About twenty years ago, a few years after the railroad came through here?

A - Must have been Frank Thompson; that is when we drew the first money.

Q - What was the next one you were married to? A - Lee.

Q - What was that one's name?

A - Johnson, but I went by Thompson then I had him.

Q - Did you have any one believe you had Thompson?

A - I never had any one could Thompson; that was my maiden name.

Q - Johnson, Lee and Simmons were the only husbands you had?

A - Those are the only ones I drew money then I was with. I

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MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY. 11 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

X. 23

CHEROKEE FREEDMEN.

Date 7/11 1900.

Name Janie Simmons, age 10.

District Illinois. Muskogee P.O. Year Page No.

Mother's citizenship Cherokee freedman - Lyla Thompson, dead.

Married? Yes - Jno Simmons U.S. Cit

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
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Dist.	Year	Page	No.	Age	

S U P P L E M E N T A L T E S T I M O N Y.

N. 705

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JANIE SIMMONS as a Cherokee Freedman; Said Applicant being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name now is Jennie Simmons isn't it? A Yes, sir.
Q How old are you? A I am 40.
Q What is your post office? A Checotah.
Q In what district do you live? A Canadian now.
Q You applied the other day didn't you? A No, sir; I started to and that gentleman could not understand me and I went out.
Q Well, it seems in your former application that you were not identified on any of the rolls; now can you help the Commission to identify you on the rolls? A I have drawn in every payment.

JOSEPH JOHNSON, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Joseph Johnson.
Q How old are you? A 50 years old.
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee nation? A No, sir.
Q Live at Muskogee do you? A No, sir.
Q Where do you live? A I live three miles north of Muskogee.
Q In the Creek nation? A Yes, sir.
Q Are you the husband of this woman here? A I was at the time the 1880 roll was made; she was on the 1880 roll with me.
Q Her name is Jennie Simmons now is it? A Yes, sir; that is her husband's name.
Q But you were her husband at that time? A Yes, sir.
Q Back in 1880? A Yes, sir.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Have you applied yet for enrollment? A I did at Muskogee; found all right over there and if it was not right I was to be notified by papers.
Q All you want to talk about now is about her being on the roll of 1880? A Yes, sir; she was on the roll of 1880 with me.
Q You were living in Illinois in 1880? A Yes, sir.
Q How long did you and this woman live together? A Three or four years, I don't remember.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q That is all you know is it? A Yes, sir.

JENNIE SIMMONS, the Applicant, Re-called, testified as follows:

Q Now is there anything else you want to ~~[illegible]~~ offer here in testimony? A I don't know.

BART THOMPSON, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Bart Thompson.
Q How old are you? A I am about 60 years old.
Q What is your post office? A Fort Gibson.

Q How long have you lived in the Cherokee Nation? A I have lived here pretty well all my life.
Q Do you know the applicant here, Jennie Simmons? A Yes, sir.
Q Do you know of any way we can identify her on the rolls?
A I don't know only look for her name.
Q On the roll of 1880? A I don't think her and Jim Jameson was living together in 1880.
Q Whom was she living with? A Her aunt.
Q What was her aunt's name? A Sinny Thompson.
Q In what district was she? A In Illinois. I was administrator here for them in 1880, their mother died and I drawed orphan money for them twice.

JENNIE SIMMONS, the Applicant, re-called, testified as follows:

Q Have you lived in the Cherokee Nation all your life? A Yes, sir, all the time except the time I taken this disease and I went south and had myself doctored.
Q How long has that been? A I don't know; it has been ten or fifteen years ago.
Q Up to that time you had lived in the Cherokee Nation all your life? A Yes, sir; I have a home in Canadian District now.
Q Was your mother a slave in the old times, in the Cherokee Nation? A yes, sir.
Q Whom did she belong to? A Allen Thompson.

BART THOMPSON, re-called, further testified:

Q Who was it her mother belonged to? A Old Jim Allen Thompson.
Q What was her mother's name? A Lila Thompson.
Q Where did she go? A South.
Q Where did her master, Jim Allen Thompson, live? A Up at Maysville.
Q And then he went down in Texas? A Yes, sir.
Q And took this woman's mother along with him? A Yes, sir.
Q And what time did he come back to the Cherokee Nation? The old man said he had a special time to come back in '66, and he fetched them as far as Fort Gibson in '66.
Q And he brought this mother? A Yes, sir.
Q The point is when he came back? A The old man said it was in '66.
Q Who was it said that? A Our old Boss.
Q When they came back from there where did they go? A The Chickasaw nation; we stayed in Texas a year and he moved us up to that place.
Q When? A In the time of the war, about the year before the war ceased.
Q And then came up to the Cherokee Nation? A Made one crop there.
Q That was after the war was all over? A Yes, sir; they was making peace, because he said he had a special time to get us back here.
Q Did you belong to him too? A yes, sir.
Q And did you come back with this woman's mother? A Yes, sir.
Q Don't you remember exactly when that was? A No, sir; he said in '66; we was just like ignorant boys.
Q When you came back to the Cherokee Nation where did you go?
A Lived here, right here in Fort Gibson.
Q Who is there living here that you not? A Lots of them, some colored men and some soldiers; I didn't marry here any, I went up on Pryor Creek.

Q Can you name some one responsible person that this woman's mother met when she came back here? A Judge Sanders and Downing Vann, he was census taker, and colored men there is Bob Smith and Frank Smith.
Q Well now, you have named several are there any of them in the house that knows; what I want at this time is, is there anybody in the house at this time that you can call here and testify? (No response.)
Q You say Mr. Meigs knows about it all? A Yes, sir.
Q Mr. Henry C. Meigs? A Yes, sir.
Q Look around now and see if there is anybody who can come here and testify? (No response.)

BY J. S. DAVENPORT, Cherokee Representative;

Q Did you come back with Jim Allen Thompson to the Cherokee Nation? A Yes, sir.
Q Where did Jim Allen Thompson go when he came back to the Cherokee Nation? A His old place on Beaty's prairie.
Q How you were with Jim Allen Thompson a year in the Chickasaw Nation and he made a crop there? A Yes, sir.
Q Then after Jim Allen Thompson made the crop in the Chickasaw Nation, in 1866 the year after that he came to the Cherokee Nation; was this woman's mother there with him? A Yes, sir; there with him.

JENNIE SIMMONS, the Applicant, re-called, testified as follows: EXAMINATION BY COMMISSIONER BRECKINRIDGE:

Q What was your mother's name? A Lila.
Q Delila what? A Thompson.
Q That was her name when she was a girl? A I don't know, sir.
Q Didn't she used to belong to this man Thompson? A Yes, sir.
Q So that when she was a child they called her Delila Thompson, didn't they? A I don't know.
Q You don't know what your mother's name was? A No, sir.

L. D. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A L. D. Daniels.
Q How old are you? A 56
Q What is your post office? A Claremore.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you know the mother of this woman whose name in early life was Delila Thompson? A I knew a woman we used to call Siney.
Q You know Jennie Simmons here, don't you? A Well I won't be positive, I knowed her uncle or grandfather or some thing like that, I won't be positive.
Q Do you know whose daughter she is? A No, sir, I don't.
Q You don't know for certain about her mother? A No, not about her mother, I know a woman by the name of Siney Thompson.
Q Do you know when Siney Thompson came back to the Cherokee Nation after the war? A Siney Thompson came here in '63 and remained here.
Q Was she a slave in 1860? A So said to be, I don't know for a fact, but she always went by the name of Siney Thompson.
Q Who did she say was her owner? A Some Thompson up here, I don't know who they were; there were a good many of the Thompsons, and I would not be positive about the Thompson she claimed.
Q Was she taken out of the Cherokee Nation during the war?
A She may have been.
Q You don't know? A No, sir.
Q You don't know whether she went out? A I was driving

a town and we got up here on the line the other side of Cincinnatti in the Cherokee Nation and [illegible] with us; that was in '63.
Q Where did she go? A She stayed right here.
Q And as far as your know she just stayed here? A Yes, sir.
Q From '63 right on? A Yes, sir.
Q If she went out during the War you never knew it? A No, sir, if she did I never knowed it.
Q Did you see her along from time to time from '63? A I moved away from here about '75.
Q Had she been living here since '63 to '75? A Yes, sir.
Q And it is your impression that she is the daughter of Sinay? A Yes, sir.

JENNIE SIMMONS, the Applicant, re-called, testified as follows:

Q Where were you born? A I was born at Beaty's Prairie.
Q Here in the Cherokee Nation? A Yes, sir; but I growed up right here at Fort Gibson.

BY J. S. DAVENPORT:

Q How long did you live in the Creek Nation? A High three or four years.
Q When was that? A I don't know exactly; it has been; I sold out there and moved in the Cherokee Nation, in Canadian District.

---oOo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 17th day of April, 1901.

C. M. Barnes
Commissioner.

TMENT OF THE INTERIOR
TO THE FIVE CIVILIZED
FILED
APR 16 1901

SUPPLEMENTAL (No 25)

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 15th. 1901.

In the matter of the application of [illegible] for enrollment as a Cherokee Freedman. SUPPLEMENTAL [illegible]

BOB SMITH, being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? Bob Smith.
Q How old are you? A. I cant say.
Q About how old are you? A. I dont say I dont know nothing about ages
Q Are you over fifty? A. Sire sir I am satisfied I am over fifty.
Q What is your post office? A. Fort Gibson
Q How long have you lived in the Cherokee Nation? A. I dont know no wheres but the Cherokee Nation.
Q Then you have lived here all your life? A. Yes sir.
Q You want to give some testimony here in the case of Jenny Simmons? A Yes sir they asked me to come up here and tell something.
Q How long have you known Jenny Simmons? A. I've been knowing here a long time
Q Have youknown her all her life? A. I been knowing her ever since peace was declared— her father died close to where I lives.
Q Have you known her ever since '65? A. I never kept the run of years at all like some people does.
Q Did you know her father? A. Yes sir.
Q Did you know her mother? A. Yes sir.
Q Did you know her when she was a baby? A. Now sir but I knowed her before she was grown.
Q Where did you first know her father? A. Right here in the country, the place is hardly a mile from where I live now where he died.
Q About how long has hem been dead? A. Been dead a long time .
Q How long did you know him before he died? A. I just got quainted with him after the surrender.
Q You didnt know him before that? A. No sir.
Q Where were you during the war? A. Right here in the Territory.
Q All the time? A. I was with the army near the close of the war, and we went out just across the line and then would come back, that is all that I was out of the Territory during the war.
Q What were you doing with the army? A. Driving a team.
Q Who were you driving a team for ? A. For the sutlers.
Q Thought you said that you was driving for the army? A. Well the sutlers was with the army wasnt they?
Q So you were driving a team for the sutlers were you? A. Yes sir and when I quit that I worked for the officers some, but I never was a soldier.
Q Did you drive a four horse team? A. Four mules and then sometime I would drive six mules.
Q How early during the war did you drive hatsort of a team? A. Just some times, and sometimes I was back here.
Q Then you were in the Territory all the time during the war were you? A. Never left the Cherokee Nation, I was right here all the time
Q What is the name of Jenny Simmon's father? A Jordan Thompson.
Q Do you know the name of her mother? A. Mary—— Lila was her name.
Q Which is it? A. Hername was Lila—Jordans wife.
Q So you think her name is Lila? A. There is no thinking about it I know it is Lila.
Q Why did you say Mary at first if you know that it is Lila? A. Well there was two sisters of them, Mary and Lila, and I had to sort of think about it first—it is Lila.
Q And you are satisfied now that it was Lila? A. Yes sir.
Q When did Jordan Thompson come back after the war? A. Cant tell that
Q Do you know when he and Lila were married? A. No sir, they must

here married— he must have had her before the war came up, they lived in the Cherokee Nation up on Bowlegs Prairie, and I didnt know them until after the war when they come here, but my Old Lady she knows all of them and she could tell you all about them
Q Is she living? A. She is at home.
Q When you knew Lila was that when you first met this woman Jenny? A She was with her mother and father and of course I had to meet her.
Q Did you know the mother and father before that time? A. No sir I never knew them before the war.
Q Did you know the mother and father before you knew this woman Jenny? A. I had to know her when I knew her mother and father.
Q Was that the first time that you knew her father and mother? At what place was it you first knew them? A. No sir.
Q You had not known her father and mother before you knew this woman Jenny had you? A. Look here you cant get me to swear nothing but the truth and I dont want you to cross question me that way because I know what I know and I hadnt going to swear to nothing but that; she was a grown woman, or I took her to be grown from her size; and she was with her father and mother together when I first knew them. You ask me in what year it was and I am not able to state that.
Q I am trying to find out when you first knew the father and mother of this woman Jenny? How old was Jenny when you first knew her father and mother? A. I dont know.
Q Was she a small girl or a grown woman when you first knew her father and mother? A. I think that she was a grown woman, or she looked to me to be from her size; I dont know nothing bout her age.
Q I understand you to say that she was quit a grown girl when you first knew her father and mother? A. Yes sir I think she was; she might have been grown from her size—I dont know her age.
Q I didnt ask you her age? A. I thought she was grown from her size.
Q When when you first knew her father and mother you thought her to be a grown woman judging from her size? A. Yes sir.
Q And that was the first time that you knew her father and mother? A Yes sir.

* * * * * * * * * * *

JOHN THOMPSON, called and sworn as a witness in the above cause, testified as follows before Commissioner C. H. Breckinridge:

Q What is your name? A. John Thompson.
Q How old are you? A. 45.
Q What is your post office? A. Fort Gibson.
Q How long have you lived in the Cherokee Nation? A. All my life, born and raised here.
Q Do you know Jenny Simmons, this woman here? A. Yes sir I know her I dont know her by that name though.
Q What name do you know her by? A. Jenny Thompson, when she was a child.
Q Was she born here in the Cherokee Nation? A. She was said to be born here.
Q She is some younger than you are is she not? A. About as old as I is; we was about the same size when we was little.
Q She gives her age as being three years. A She must be them.
Q Have you known her very much all her life? A.Yes sir.
Q Did you ever know her father? A. Yes sir.
Q What was his name? A. Jordan Thompson.
Q Did you know her mother? A. Yes sir.
Q How far back can you remember her mother—how old were you? A. I was of 14 years old.
Q You have no recollection of her mother back of the time that you were 9 or 10 years of age? A. No sir, I think not.
Q You have no personal knowledge of anything back of that? A. No sir.

[illegible]

[illegible]

[illegible] that he has read the foregoing [illegible] and knows the contents thereof; that the same is true of his own knowledge, except as to the matters which are therein stated on information or belief, and as to those matters he believes it to be true.

[illegible]

Subscribed and sworn to before me this 10th day of March, 1904, at Fort Gibson, I. T.

[illegible]

[illegible]

DEPARTMENT OF THE
COMMISSIONER OF THE FIVE C

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S U P P L E M E N T A L T E S T I M O N Y.

R. 705

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JANIE SIMMONS as a Cherokee Freedman: Said Applicant being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name now is Jennie Simmons isn't it? A Yes, sir.
Q How old are you? A I am 40.
Q What is your post office? A Checotah.
Q In what district do you live? A Canadian now.
Q You applied the other day didn't you? A No, sir; I started to and that gentleman could not understand me and I went out.
Q Well, it seems in your former application that you were not identified on any of the rolls; now can you help the Commission to identify you on the rolls? A I have drawn in every payment.

JOSEPH JOHNSON, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Joseph Johnson.
Q How old are you? A 50 years old.
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee nation? A No, sir.
Q Live at Muskogee do you? A No, sir.
Q Where do you live? A I live three miles north of Muskogee.
Q In the Creek nation? A Yes, sir.
Q Are you the husband of this woman here? A I was at the time the 1880 roll was made; she was on the 1880 roll with me.
Q Her name is Jennie Simmons now is it? A Yes, sir; that is her husband's name.
Q But you were her husband at that time? A Yes, sir.
Q Back in 1880? A Yes, sir.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Have you applied yet for enrollment? A I did at Muskogee; found all right over there and if it was not right I was to be notified by papers.
Q All you want to talk about now is about her being on the roll of 1880? A Yes, sir; she was on the roll of 1880 with me.
Q You were living in Illinois in 1880? A Yes, sir.
Q How long did you and this woman live together? A Three or four years, I don't remember.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q That is all you know is it? A Yes, sir.

JENNIE SIMMONS, the Applicant, re-called, testified as follows:

Q Now is there anything else you want to [illegible] offer here in testimony? A I don't know.

BART THOMPSON, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Bart Thompson.
Q How old are you? A I am about 60 years old.
Q What is your post office? A Fort Gibson.

Supl.-R.#26--S.

Q How long have you lived in the Cherokee Nation? A I have lived here pretty well all my life.
Q Do you know the applicant here, Jennie Simmons? A Yes, sir.
Q Do you know of any way we can identify her on the rolls?
A I don't know only look for her name.
Q On the roll of 1880? A I don't think her and Joe Johnson was living together in 1880.
Q Whom was she living with? A Her aunt.
Q What was her aunt's name? A Sinay Thompson.
Q In what district was she? A In Illinois. I was administrator here for them in 1880, their mother died and I drawed orphan money for them twice.

JENNIE SIMMONS, the Applicant, re-called, testified as follows:

Q Have you lived in the Cherokee Nation all your life? A Yes, sir, all the time except the time I taken this disease and I went south and had myself doctored.
Q How long has that been? A I don't know; it has been ten or 12 fifteen years ago.
Q Up to that time you had lived in the Cherokee Nation all your life? A Yes, sir; I have a home in Canadian District now.
Q Was your mother a slave in the old times, in the Cherokee Nation? A yes, sir.
Q Whom did she belong to? A Allen Thompson.

BART THOMPSON, re-called, further testified:

Q Who was it her mother belonged to? A Old Jim Allen Thompson.
Q What was her mother's name? A Lila Thompson.
Q Where did she go? A South.
Q Whenedid her master, Jim Allen Thompson, live? A Up at Maysville.
Q And then he went down in Texas? A Yes, sir.
Q And took this woman's mother along with him? A Yes, sir.
Q And what time did he come back to the Cherokee Nation? The old man said he had a special time to come back in '66, and he fetched them as far as Fort Gibson in '66.
Q And he brought this mother? A Yes, sir.
Q The point is when he came back? A The old man said it was in '66.
Q Who was it said that? A Our old Boss.
Q When they came back from there where did they go? A The Chickasaw nation; we stayed in Texas a year and he moved us up to that place.
Q When? A In the time of the war, about the year before the war ceased.
Q And then came up to the Cherokee Nation? A Made one crop there.
Q That was after the war was all over? A Yes, sir; they was making peace, because he said he had a special time to get back here.
Q Did you belong to him too? A yes, sir.
Q And did you come back with this woman's mother? A Yes, sir.
Q Don't you remember exactly when that was? A No, sir; he said in '66; we was just like ignorant hogs.
Q When you came back to the Cherokee Nation where did you go?
A Lived here, right here in Fort Gibson.
Q Who is there living here that you met? A Lots of them, some colored men and some soldiers; I didn't marry here any. I went up on Pryor Creek.

Dept.-D. 233--5.

Q Can you name some one responsible person that this woman's mother met when she came back here? A Judge Sanders and Cowlesy Vann, he was cashier teller, and colored man there is Bob Smith and Frank Smith.
Q Well now, you have named several are there any of them in the house that knows; what I want at this time is, is there anybody in the house at this time that you can call here and testify? (No response.)
Q You say Mr. Meigs knows about it all? A Yes, sir.
Q Mr. Henry C. Meigs? A Yes, sir.
Q Look around now and see if there is anybody the can come here and testify? (No response.)

BY S. H. MAYFIELD, Cherokee Representative:

Q Did you come back with Jim Allen Thompson to the Cherokee Nation? A Yes, sir.
Q Where did Jim Allen Thompson go when he came back to the Cherokee Nation? A His old place on Beaty's prairie.
Q Now you were with Jim Allen Thompson a year in the Chickasaw Nation and he made a crop there? A Yes, sir.
Q Then after Jim Allen Thompson made the crop in the Chickasaw Nation, in 1867 the year after that he came to the Cherokee Nation; was this woman's mother there with him? A Yes, sir; there with him.

JENNIE SIMMONS, the Applicant, re-called, testified as follows:
EXAMINATION BY COMMISSIONER BRECKINRIDGE:

Q What was your mother's name? A Lila.
Q Delila what? A Thompson.
Q That was her name when she was a girl? A I don't know, sir.
Q Didn't she used to belong to this man Thompson? A Yes, sir.
Q So that when she was a child they called her Delila Thompson, didn't they? A I don't know.
Q You don't know what your mother's name was? A No, sir.

L. B. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A L. B. Daniels.
Q How old are you? A 56
Q What is your post office? A Claremore.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you know the mother of this woman whose name in early life was Delila Thompson? A I knew a woman we used to call Singy.
Q You know Jennie Simmons here, don't you? A Well I won't be positive, I knowed her uncle or grandfather or some thing like that, I won't be positive.
Q Do you know whose daughter she is? A No, sir, I don't.
Q You don't know for certain about her mother? A No, not about her mother, I knew a woman by the name of Singy Thompson.
Q Do you know when Singy Thompson came back to the Cherokee Nation after the war? A Singy Thompson came here in '63 and remained here.
Q Was she a slave in 1860? A So said to be, I don't know for a fact, but she always wanted the name of Singy Thompson.
Q Who did she say was her owner? A Some Thompson up here, I don't know who they were; there were a good many of the Thompsons, and I would not be positive about the Thompson she claimed.
Q Was she taken out of the Cherokee Nation during the war?
A She may have been.
Q You don't know? A No, sir.
Q You don't know whether she went out? A I was helping driving

Supl.-D. 622--C.

a team and we got up here on the line the other side of Cincinnati in the Cherokee Nation and she came down with us; that was in '63.
Q Where did she go? A She stayed right here.
Q And as far as your know she just stayed here? A Yes, sir.
Q From '63 right on? A Yes, sir.
Q If she went out during the War you never knew it? A No, sir, if she did I never knowed it.
Q Did you see her along from time to time from '63? A I moved away from here about '75.
Q Had she been living here since '63 to '75? A Yes, sir.
Q And it is your impression that she is the daughter of Simon? A Yes, sir.

JENNIE SIMMONS, the Applicant, re-called, testified as follows:

Q Where were you born? A I was born at Beaty's Prairie.
Q Here in the Cherokee Nation? A Yes, sir; but I growed up right here at Fort Gibson.

By J. G. McSPADDEN:

Q How long did you live in the Creek Nation? A High three or four years.
Q When was that? A I don't know exactly; it has been; I sold out there and moved in the Cherokee Nation, in Canadian District.

---oo0oo---

J. G. Rossom, being first duly sworn, states that he is enrolling reporter to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J G Rossom

Subscribed and sworn to before me this 17th day of April, 1901.

C Mcarthur
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

September 27, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Janie Simmons for enrollment as Freedmen of the Cherokee Nation.

No. 1213

Andrew W. Jones
Louis J. Brown
Agt for applicant

FIR 23

Subscribed and sworn to before me this 28th day of March, 1902.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

Commissioner.

Cherokee Freedman # 25

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 3,1906.

SUPPLEMENTAL TESTIMONY ON BEHALF OF THE APPLICANT in the matter of the application of Jamie Simmons for enrollment as a Cherokee Freedman.

Appearances:
Louis T. Brown, as agent for the applicant;
W.W.Hastings, of attorneys for the Cherokee Nation.

COMMISSION: The applicant is found on

The Wallace roll of citizens of the Cherokee Nation, page 138 No. 2887, Jennie Simmons, Reddidence, Creek Nation.

COLUMBUS LASLEY, being sworn and examined, testified as follows:

BY BROWN:

Q State your name? A Columbus Lasley.
Q Your age? A 54.
Q Your post-office address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Mr Lasley, did you know Lilah Thompson during her lifetime?
A No sir.
Q You know Sinah Thompson? A Yes sir.
Q You know the applicant in this case, Jennie Simmons? A Yes sir.
Q You know where she was in the year '66? A Fort Gibson I guess.
Q In the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You know when she came there? A No sir.
Q What time was she there in '66? A I couldn't tell you; she was there right just immediately after the war, the family was there.
Q The family was there after the war? A Yes sir.
Q Well now how old is this woman? A No sir, I don't exactly know.
Q You know how old she was then? A She was just a girl.
Q Do you remember her individually? A Yes sir.
Q You know she was there herself? A Yes sir.
Q What makes you recollect that? A I knew the family.
Q I know you knew the family, but did you know this girl? A Yes sir
Q Are you going by the family or are you going by your personal knowledge of the girl? A The girl, yes sir.
Q You know whether she has lived around there ever since? A No sir, I couldn't tell you that.
Q Where did she go? A I don't know.
Q How long did you know her around there? A Oh I knew her until after she was grown and married two or three times.
Q You know of her going away? A I left Fort Gibson and went to Tahlequah and it was several years I never saw her; she had as good speech as I might have and she was not disfigured when I saw her last.
Q About how many years since you saw her? A I saw her last year.
Q Was that the first time you saw her for a number of years?
A Yes sir.

(BY COMMISSION: Questioning Louis T. Brown.
Q Are you representing this applicant? A Yes sir.)

Kern-Clifton pay roll of Freedmen citizens of the Cherokee Nation examined and applicant identified on page 107 No.2680 Jennie Simmons, Canadian District.

formation to the best of my ability correctly recorded the testimony and proceedings in said case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this February 4,1902.

Commissioner.

Creek No. 177.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leroy, Floyd and Merlie Mackey, as Creek freedmen,

DECISION.

The record in this case shows that on November 5, 1901, John Mackey appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his three minor children, Leroy, Floyd and Merlie Mackey, as Creek freedmen.

It appears that on February 18, 1902, Minnie Mackey, mother of said minor children, appeared before the Commission at Muskogee, Indian Territory, and made application for their enrollment as Cherokee freedmen. The testimony taken is made a part of the record herein.

The evidence shows that said minors are the children of John and Minnie Mackey; that said John Mackey is identified on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, that he is regularly listed for enrollment on Creek Freedmen Card Field No. 666, and that his name is included in the list of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, roll No. 2555, and that said Minnie Mackey claims to be a Cherokee freedman.

It further appears that said Leroy, and Floyd Mackey, are identified on the 1895 authenticated tribal rolls of the Creek Nation, and that Merlie Mackey was seven years old at the date of the application herein.

It further appears that said Leroy, Floyd and Merlie Mackey, have resided in the Creek Nation all their lives, and that their parents have elected to have them enrolled as citizens of said nation.

It is therefore the opinion of this Commission that said Leroy, Floyd and Merlie Mackey, should be enrolled as Creek freedmen, in accordance with the provisions of the act of Congress, June 28, 1898 (30 Stat. L., 495), and March 1, 1901 (31 Stat. L., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breathitt Edge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this 24 day of September, 1903.

C.F.D.1106.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 18, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of Janie Simmons as a Cherokee freedman.

The attorney for the Cherokee Nation was notified by mail on October 19, 1903, that a hearing in this case would be had on November 18, 1903.

The applicant appears in person.

BLUE THOMPSON, being first duly sworn, testified as follows on behalf of the applicant:

BY COMMISSION: What is your name? A Blue Thompson.
Q How old are you? A 53, the 25th day of December, next. I was born in 1850.
Q What is your postoffice address? A Chetopa, Kansas.
Q Where do you live now? A I reside in Chetopa.
Q Do you know Janie Simmons? A Yes sir. I know of that name now.
Q Who was her father? A Jordan Thompson.
Q Is he living or dead? A Dead.
Q Who was her mother? A Lila Thompson.
Q Is her mother living or dead? A Dead.
Q When did you first get acquainted with Jordan Thompson?
A When I was about 8 years old, I can recollect him at that time.
Q That was before the war? A Yes sir.
Q Was Jordan Thompson the slave of a Cherokee citizen at the beginning of the war? A Yes sir, he was.
Q Who was his owner? A Jim Allen Thompson.
Q Was Jim Allen Thompson a Cherokee citizen? A His wife was. He was a Cherokee citizen but he was a white man.
Q What was Thompson's wife's name? A Patsy Thompson.
Q She was a Cherokee citizen? A She used to be a Lynch, her brother was Joe Lynch, she was Patsy Lynch; my old master married her but I don't know when it was.
Q Was Lila Thompson a slave of a Cherokee citizen at the commencement of the war? A Yes sir.
Q Was Jordan Thompson and Lila Thompson married before the war?
A I don't know whether they were married or not, they were married before I was big enough to know. When I could recollect they was living just like married people, but there was no law about marrying black folks, but that was his wife.
Q Were they married like slaves married? A Yes sir, I reckon they was married before I could recollect about it.
Q When was that, during the war? A Before the war come up.
Q Jordan Thompson and Lila Thompson were living together like slves do before the war? A Yes sir.

Q Did they both go out of the Cherokee Nation during the war?
A They did.
Q Where did they go to? A Down to the Chickasaw Nation.
Q When did you first see them after the war? A When I come back from the south I seen them there, when I run off and come home I lived in Sequoyah District, but I don,t know whether it was in the fall of '66 or whether it was in '67. I know I come in the fall of '66, but I don't know whether I saw them in the fall of '66 or whether it was in '67, I don't recollect. But they was hom when I come back, they came back with their owners.
Q You don't recollect distinctly whether that was the fall of '66 or whether it was sometime in '67? A No sir, they come -- they didn't come to Ft. Gibson. That was in the Indian country but I don't know whether it was '66 or '67.
Q They might have been here before you saw them? A They was, before I saw them I heard of them.
Q Do you know who they came back with? A I didn't see either one of them. They come with my old master, he fetched them back.
Q What is his name? A Jim Allen Thompson.
Q So Jordan Thompson and Lila Thompson came back with Jim Allen Thompson? A Yes came back with their owners.
Q Anybody else come back with them in the same crowd?
A I think so, I wasn't with them, I was kindly scouting, I stole a horse from master and didn't want to see them and I kept away.
Q Where did they come to, Jordan Thompson and Lila Thompson, when they first came back? A Came to Greenleaf.
Q What district is that? A That's in Illinois.
Q Where were they when you saw them first? A Ft. Gibson.
Q Who was living in Ft. Gibson at the time you saw them?
A Did anybody, you mean?
Q Any colored people? A I couldn't tell you who all, there was the Thornton's, the Bell's and the Foreman's.
Q Which Foreman? A Luster Foreman.
Q Which Bell? A Manda Bell, now Manda Foster.
Q Which Thornton? A Nancy and John Thornton, Caroline Foster, Fred Foreman and Dooley Blackman, Auntie Murrell, Daniel Vann, that's a l I think of just now. Jiney Beale, quite a good many in Ft. Gibson. Cyndia Beck, Marion Beck, Jim Beck.
Q Did you know Rachel Thornton there at that time? A Indian woman?
Q No, colored? A There wasn't any Rachel Thornton there at that time that I know of, but I knowed the Thornton's.
Q You knew most of the colored people there didn't you? A Yes sir. The old man lived there Fred Davis, he never left there during the war.
Q How long did Jordan Thompson and Lila Thompson stay there at Ft. Gibson after that? A Lila died in Greenleaf, but Jordan fetched his children to town, I never seen her from the time I ran away in '65 from my home, ran away from the white folks. They was left as slaves. They come on after the war up and my old master brought them back. When I come back to Ft. Gibson I cam in '66 in the fall, I disremember, it might have been along about October, and it might have been in '67. Jordan had moved up to Gibson with these children and after they stayed there awhile he moved over to the Frank Smith place and died there.
Q Could you say how long Jordan Thompson and Lila Thompson stayed there at Ft. Gibson? A We come in the fall and must have stayed there during the winter until the next spring, he went on the farm in the spring. We come from the other district and moved two miles and a half south of Gibson to the Frank Smith place with these children.
Q What time of the year was it you first saw them there in Ft. Gibson? A Must have been either in September or October.

Q Was this applicant, Janie S immons, born before the war?
A Yes sir , she was born as a slave, this girl was.
Q Did she belong to the same master her father did?
A ves sir.
Q Did she go out of the Cherokee Nation with her father during the war? A ves sir, took them all out together.
Q Did she come back with her father and mother after the war?
A Yes sir.
Q Did you see her at Fort Gibson when she came back with her fathr and mother after the war? A Yes sr, saw them all/
Q Have you been seeing this woman since that time very often?
A ves sir, I see her about three or four times a year.
Q Where has this applicant, Janie Simmons, been living since the war? A She has lived in the Cherokee Nation and then in the Creek Nation and she has been out as far as Ft. Arbuckle, use to be.
Q Where is that? A Out west where the soldiers use to camp.
Q Is it in Oklahoma? A I don,t know whether it is or not.
Q You donet know whether it was in the Territory or not?
A Yes sir.
Q Do you know what nation it is in? A In the Chickasaw.
Q Has this woman ever lived out of the Indian Territory since the war? A No sir, not to my knowledge, never have found out.
Q How often have you seen her since the war? A 3 or 4 times a year.
Q Do you live near where she lives? A No, I don,t now, I use to, in the same town. My farm is up on the edge of the line, Kansas, but I use to live near Ft. Gibson.
Q How long did you live there? A I lived there the principal part of my life off and on. I was 16 when I come back, and I went off in the upper part of the district about 1870, but then I always come back here. My folks all lived there.
Q How long has Janie Simmons been living in the Cherokee Nation?
A All her life, off and on.
Q In the Cherokee Nation, I am talking about? That's what I'm talking about too, off and on.
Q You said awhile ago she went down in the Choctaw Nation?
A Yes sir, out there, but she didn't live out there. You asked me where all had she been since that time and I told you the Choctaw and Chickasaw.
Q How long has she been staying in the Cherokee Nation?
A Permanently, you mean?
Q Permanently? A I couldn't say that. She's been here and over there.Q She lived part of the time in the Creek Nation? A Yes sir.
Q Where does she live now at the present time? A In town here.
Q Muskogee? A Yes sir
Q How long has she lived in Muskogee? A I don't know just how long, how many years.
Q Has she been living here 5 years? A I don't think she has since she has been out on the farm, I don't know.
Q Has she any property in the Cherokee Nation, a farm or improvements, or anything of that kind? A Yes sir.
Q Where is it located? A I ain't been out there, it is south of here.
Q Do you know how long she has had that? A No sir.
Q Has she lived in the Indian Territory since the war? A Yes sir.
Q Ever since the war? A Yes sir. You asked me did I know the applicant? Janie Simmons, I know Janie Simmons and I know Janie Thompson, and the name you have got there is a State raised woman where she married her husband.
Q In other words, Janie Simmons name was Janie Thompson before she was married? A She was born Thompson.
Q When did she marry Simmons? A They married in this town, I don't know, she has been Janie Simmons a long time though.

I don't know how long. ..e name was Janie Thompson, now Janie Simmons and you could run back on these rolls and find Janie Johnson. She has been married a couple or three times, that's the reason why you don't find her name. Her parents is Cherokee freedmen, I know them from birth.
Q We have her name here as Janie Simmons because that's her married name? A ..es sir, that's right.
Q State when you returned to the Cherokee ..ation after the war?
A I returned in the fall of '65, I come to Sequoyah District the 25th day of December, '66.
Q Where did you return to in the fall of '65?
A I returned to Sequoyah District.
Q Didn't you say just t now you returned there in December, '66?
A I come home in the fall of '65, I come here then with John ..artin and I lived in Sequoyah District and worked on this side of the river, and was on the Jack Campbell place. Christmas day was a Sunday and we bu ilt a house over there and moved over there in '66.
Q Who did you find t ere at that time? A Just one colored family, old man Jack Campbell. The colored folks they hadn't come back from the south yet, there was another fellow called Feilding up towards Sallisaw, and Blagburns and Ragswell.
Q How long after you came in December '66, was it, that you saw this woman, her and her parents? A I came from Sequoyah District after we made a crop that year, come in the fall come to this Ft. Gibson, I don't know whether I seen them the first trip I made to Gibson, I don(t think I did, yet I might have seen them.
Q When did you make the first trip to Gibson after you came back, what year? A In the fall of '66.
Q Did you say you come back here in December,'66? A In December '65 or December, '65. I came back the fall of '65 from the Chickasaw Nation to this.
Q You came back to the Cherokee Nation in the fall of '65?
A ..es sir.
Q When did you make your first trip to Ft. Gibson after that?
A Afetr that Christmas coming that fall.
Q That was Christmas, '65? A I come there in the fall of '65, then that christmas we moved over.
Q That is the Christmas of '65? A ..es sir.
Q How long after that was it that you saw these people?
A I helped to make a crop that year and I come up in the fall the first t..me.
Q That was the next fall? A ..es sir, the next fall after we made that crop down there.
Q That would be the fall of '66? A ..es sir.
Q You went to Ft. Gibson t..en? A ..es sir.
Q Did you see thes people that time? A I made two trips, I don't know whether it was the first time I went up, I don't know if I seen them that time, I think they was living in that district but not in town. When I come back Jordan and the children was in town.
Q When did you make the second trip? A I think it wasn't but a short time, September or October, that same year.
Q About how long was it after you made the first trip that you made the second trip? A I went, it must have been three or four months.
Q You made the firt trip to Ft. Gi son in the fall of '66?
A ..es sir.
Q And the second trip three or four moths afterward?
A ..ight have been longer, I didn't pay much attention to it.
Q When you made the secnond trip was it after Christams?
A ..t was counted in the fall.
Q was it after Christmas or before Christmas? A Before Christ-mas.

Q Are you positive that you saw Jordan an d Lila Thompson and this applicant? A I told you I didn't see Lila. She was dead. I didn't see her after I left the Chickasaw Nation. She had been in Illinois District. I didn't see anybody but these children and Jordan.
Q It was Janie Thompson, and her father, Jordan Thompson, you saw?
A Yes sir.
Q Are you positive you saw them on either your first or second trip you have mentioned?
A I am positive it was one of those two times. I am not positive it was the first time, but I know they was here.
Q You are not positive which one of the times it was you sawthem?
A No sir, I can't say. I would like to say what is right, but I don't know whether it was the first time or the second time.

JANIE SIMMONS, beingfirst duly sworn, testified as follows in her own behalf:

BY COMMISSION: What is y ur name? A Janie Simmons.
Q How old are you? A I don't know.
Q Do you know whether you were born before the war or not?
A No sir.
Q What is your post office address? A Muskogee.
Where were you living when you first remember? A Fort Gibson.
Q How long did you live there at that time
A I livedthere all my days until I come over here.
Q When did you come to the Creek Nation? A I don't know.
Q How long ago has it been when you first come to the Creek Nation?
A I couldn't tell that, because I don't know. I can't remember.
Q Have you been living in the Creek Nation for ten years?
A No sir, not that long.
Q Have you been living here sevn years? A No sir, not that long.
Q Been living here five years? A Not quite five years, a little over three years.
Q You have been livingin Muskogee a little over three years?
A Yes sir.
Q Up to the time that you came to Muskogee had you lived in Fort Gibson all your life? A Yes sir, off and on, first one place and then another.
Q I mean from the close of the war up to the time that you came to Muskogee about three years ago, had you been living all that time in Fort Gibson? A No sir, I was traveling around first one place then another. I had to make my own living and partly raise three or four children.
Q Did you ever live outside the Cherokee Nation since the close of of the war? A No sir, I don't know anything about outside.
Q Did you ever live in Arkansas? A No sir.
Q Did you ever live in Kansas? A No sir, I don't know nothing about Kansas.
Q Where were you living five years ago, in 1898?
A I was living in Canadian District.
Q Did you live there all that year? A Yes sir.
Q Is that in the Cherokee Nation? A Yes sir.
Q How long had you livedthere in Canadian District before that?
A About three or four years. I made my home down there, that was my home. That is where I built at.
Q How long had you stayed in the Cherokee Nation continuously before 1898? A All my days. I have had no home of my own until I went down here and built in that part of the country. I just lived with my people, first one and another, worked out all the time.

You don't mean that you lived in Canadian District all your life?
A No sir, just here and on a farm.
Q What I want to know is, how longdid you stay in Canadian District continuously before 1898. You said you were living there in 1898. How long had you stayedthere at that time, continuously?
A I don't know. I had some folks down there, but I didn't stay with them very long at a time . I used to live down there a while before I built down there.
Q You don't remember anything about the war yourself? A No sir.
Q You don't remember when you came back from the Choctaw Nation after the war? A No sir.
Q When were you married the first time?
A I don't know that. I was married in Fort Gibson.
Q How many times have you been married?
A Twice, one man is dead.
Q Is your first husband dead? A Jordan Lee, at Fort Gibson, he is dead.
Q When did you marry the last time? A I don't know, I couldn't tell.
Q What is your last husband's name? A Tom Simmons, out here.
Q Ishe alive? A Yes sir, I live with him now.
Q How long ago did you marry him?
A I guess about twenty some odd years now.
Q Did you ever own any improvements in the Cherokee Nation?
A Yes sir, I got some now.
Q How long have you owned them?
A About eight years since I built my home.
Q Have you owned improvements in the Cherokee Nation all the time for the last eight years? A ves sir.
Q You still own them, do you? A Yes sir.
Q What improvements are they? A The first improvements I put up since I burned down was a two story building, and the next one was a little three room box house.
Q Did you ever own any improvements in the Cherokee Nation before eight years ago?
A No sir. Oh yes, I had a little house at Fort Gibson.
Q When did you first get that? A That is a long time, couldn't tell.
Q Is that over twenty yesrs ago? A Yes sir, oh yes.

BLUE THOMPSON, recalled, testified as follows:

BY COMMISSION: Did you know this applicant, Janie Simmons, in 1880?
A Yes sir.
Q Where was she living at that time? A At Fort Gibson.
Q Who was she living with? A Joe Johnson.
Q Was she marriedthen? Was Joe Johnson her husband?
A Yes sir, Joe Johnson was her husband.
Q Did she have any family at that time, any children living with them? A I believe she had that girl. I disremember whether she had this girl or not.
Q So her name at that time, in 1880, was Janie Johnson?
A Yes sir.
Q How old was she when the war broke out in 1861?
A She was between seven, to the best of my knowledge. I might be a little mistaken, but I think she was between seven and eight years old, I reckon.

Q At the time the war broke out? A About that. Between seven and eight, might be a little mistaken. Might be longer than that. Q She couldn't have been less than six years old when the war broke out. A No sir.

Wm. Hutchinson, being first duly sworn, states that as tenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

Wm. Hutchinson

Subscribed and sworn to before me this 23rd day of November, 1903.

Charles W. Sawyer
Notary Public.

Cherokee Freedmen D-1106

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Janie Simmons as a Cherokee Freedman.

DECISION.

It appears from the record herein that Janie Simmons appeared before the Commission at Muskogee, Indian Territory, on May 11,1900, and made application for her enrollment as a Cherokee Freedman. Further proceedings were had in this matter at Fort Gibson, Indian Territory, on April 15, 1901, and at Muskogee, Indian Territory, on February 3, 1902, and November 18, 1903.

The evidence in this case shows that the applicant herein was a slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion the applicant left the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896,in the case of Moses Whitmire,trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears from the evidence herein that Janie Simmons has resided continuously in Indian Territory from the time of her return to the Cherokee Nation up to and including the date of her application herein.

It is, therefore, the opinion of this Commission that Janie Simmons should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 21, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 3 1904

Commissioner.

MARRIAGE LICENSE.

United States of America, } ss. No. 1722
INDIAN TERRITORY,
NORTHERN District.
Western

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Jaydee Williams, of Muskogee, in the Indian Territory, aged 33 years, and Miss Jennie Simmons, of Muskogee, in the Indian Territory, aged 40 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 29th day of September A. D. 1904

(SEAL) (Signed) R. P. Harrison
Clerk of the U. S. Court.

By Wm. R. Shackelford Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, } ss.
INDIAN TERRITORY,
NORTHERN District
Western

I, A. J. Lacy, a Minister of the Gospel, Do Hereby Certify, that on the 29 day of September, A. D. 1904, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 30th day of September A. D. 1904

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book C, Page 43

(Signed) A. J. Lacy
A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT. }

I, Robert P. Harrison, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 7 day of Oct. 1904, at M., and duly recorded in Book R, Marriage Record, Page 68

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 7th day of Oct, A. D. 1904

SEAL

R. P. Harrison Clerk.

By (Signed) John Harlan Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I.T., March 25, 1908.

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of Jennie Simmons as citizen of the Cherokee Nation.

N 1512

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-1106.

Muskogee, Indian Territory, October 17, 1903.

Janie Simmons,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required showing the status of your mother as a Cherokee Freedman, whether or not she was the slave of a Cherokee citizen, or free colored person, at the commencement of the war of the rebellion; and if she left the Cherokee Nation during the war, her return thereto within the time specified in the treaty of 1866; also your residence in the Cherokee Nation since the war.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1106.

Muskogee, Indian Territory, October 17, 1903.

Louis T. Brown,

Agent for Janie Simmons,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Janie Simmins as a Cherokee Freedman, you are advised that before a decision can be prepared in her case, further testimony is required tending to show whether or not applicant's mother wasthe slave of a Cherokee citizen, or a free colored person, at the commencement of the war of the rebellion, and, if she left the Cherokee Nation during the war, her return thereto within the time specified in the treaty of 1866; also as to the applicant's residence in the Cherokee Nation since the war.

The applicant has therefore been directed to appear before the Commissio n, at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1106.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Janie Simmons for the enrollment of herself as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-8.

Commissioner in Charge.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.

ALLISON L. ATLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., June 4, 1900.

Janie Simmons,

Muskogee, Indian Territory.

Dear Madam:-

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular, or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900.

Yours truly,

Acting Chairman.

Chero. L.

6

I.T. 2053

RD 1104

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
JUL 13 1900

ACTING CHAIRMAN.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-1106.

Muskogee, Indian Territory, April 21, 1904.

Andrew W. Jones,
Agent for Janie Simmons,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Janie Simmons for enrollment as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-14.

Deceased.

Enc sent to Laura J. Brown
Rep. Jones
Vinita I.T. apr 23

Cherokee E.D.-1104

Muskogee, Indian Territory, April 25, 1904.

Louis T. Brown,
Representing Andrew W. Jones,
Agent for Janie Simmons,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Janie Simmons for enrollment as a Cherokee freedman.

Respectfully,

Register. Chairman.

Enc. D-14.

Cherokee Freedmen
D-1106.

Muskogee, Indian Territory, April 21, 1904.

Janie Simmons,
Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Register

Enc. D-13.

Cherokee Freedmen
1518.

Muskogee, Oklahoma, March 26, 1908.

Mrs. Jamie Williams,
2600 North Eighth Street,
Muskogee, Oklahoma.

Madam:

There is inclosed herewith marriage license and certificate of yourself and Jaydee Williams, copies thereof having been retained in the files of this office.

Respectfully,

LS
Incl. S-10

Acting Commissioner.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Cher Fr 1313

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OK
FDS

Cherokee Freedmen D 1121

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charley Hailstock as a Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of CHARLEY HAILSTOCK, for the enrollment of himself as a Cherokee Freedman:

CHARLEY HAILSTOCK, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Charley Hailstock.
Q How old are you ? A Twenty four.
Q What is your post office address ? A Tahlequah, I. T.
Q In what district are you living ? A Tahlequah.
Q Do you claim to be a Cherokee freedman ? A Yes sir.
Q Do you apply for anyone besides yourself ? A No sir.
Q What is the name of your father ? A Jim Hailstock.
Q Is he living or dead ? A He is living.
Q Was he a Cherokee freedman ? A No sir.
Q State man ? A Yes sir.
Q What is your mother's name ? A Eliza Dodson.
Q Is she living ? A Yes sir.
Q Is she a Cherokee freedman ? A Yes sir.
Q Who did she belong to ? A To the Eagles.
Q Do you know what her owner's first name was ?
A No sir, I do not.
Q Where were you born ? A In Tahlequah.
Q Have you ever lived outside of the Cherokee Nation ?
A Yes sir.
Q When, and for how long were you gone ?
A I don't know exactly how long; I can't exactly say how long.
Q Well, about how long ? A Two or three years I guess, at different times.
Q How long did you live in the Nation after your birth ?
A Always outside of two years back.
Q What two years were they that you were gone ?
A Ninety eight and ninety nine, or somewhere along there.
Q When did you leave ? A In '98 I think it was.
Q What time in '98 ? A In the fall I think it was.
Q Where were you living four years ago this month ?
A I don't know whether I was at home or in Texas. What year would that make it ?
Q Ninety eight, in the spring of '98 where were you living ?
A I was in Texas, in the spring of 1898.
Q What time did you go to Texas ? A If I aint mistaken, it was in the fall of '98.
Q Was it the fall of '97 or the fall of '98 ?
A It was in September, 1897.
Q How long have you been living there ?
A Nearly ever since.
Q Continuously from the year '97, how long did you live there ?
A About three years.
Q Where have you been living since 1900 ?
A At home in Tahlequah.
Q Was that the longest time you have been out of the Territory ?
A Yes sir the only time.
Q For what purpose were you gone ? A Just working around.
Q Have you ever made your home outside of the Territory ?
A No sir.
Q Did you make your home there at that time ? A No sir.
Q Are you married ? A No sir.
Q Ever been married ? A No sir.
Q What work were you engaged in down there ? A Barbering.

Examined by W. W. Hastings:

Q Didn't you live here at Muskogee a while ? A Yes sir.
Q Was that in '97 or '98 ? A I lived here in November 1891, I think it was.
Q Was it that early ? A I think so.
Q Did you live here until 1897 ? A No sir. I lived here about a ~~x~~ year and a half.
Q Did you go to Texas in '97 ? A I think it was '97.
Q Did you stay down there continuously up until 1900 ?
A No sir.
Q Well you had better tell the Commission about your stay ?How long you stayed down in the State of Texas ?
A No sir I wasn't there altogether, but I was there in the Southern country.
Q You were out of the Territory for three years ? A Yes sir.
Q Did you ever go back to the Cherokee Nation during that time ?
A No sir.

--1880 roll, page 762, # 828, Tahlequah District, Charles Hailstock;
--1896 roll, page 1311, # 206, Charles Hailstock, Tahlequah District;

Charley Hailstock applies for the enrollment of himself as a Cherokee freedman. He is duly identified on the roll of 1880, and the census roll of 1896. He avers that he was born in the Cherokee Nation, and lived from ~~x~~ his birth continuously till 1897 and that in 1897 he went to the State of Texas where he resided until the year 1900, since which time he has been residing in the Cherokee Nation. Owing to the fact that the applicant was not a resident of the Indian Territory on the 28th day of June, 1898, final judgment as to his enrollment will be suspended, and his name placed upon a doubtful, card.

Examinedby the Commission:

Q Do you own any property in the Cherokee Nation ?
A Not individually; I do with my mother.
Q How long has it been in your possession ?
A Ever since the last payment.
Q It belongs to your mother though ? A Her money and mine together bought it.
Q How many acres did you buy ? A I don't remember.
Q About how many ? A I guess about 65 or 70 acres.
Q Have you ever derived any revenue from the farm ? A No sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this July 5, 1902.

Seal

Notary Public.

DEPARTMENT OF [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 27 1902

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27, 1902

Post Office Tahlequah

District Tahlequah

1. Name Hardrick, Charley. Age 24

Citizenship

Owner's name

Year 1880 Page 88 1/2 No. 878 District Tahlequah

Parents:

Father Linn Hardrick Citizenship Cherokee

Mother Eliza Dodson Citizenship Cherokee

2. Name of wife Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Hardrick, Charley. 1311 - Tahlequah, Cherokee Nation.

Cherokee Freedmen D 1151

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charley Hailstock as a Cherokee Freedman.

D E C I S I O N .

The record in this case shows that on June 27, 1902, Charley Hailstock appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a Cherokee freedman.

The evidence shows that the applicant is a Cherokee Freedman and is identified on the 1880 authenticated roll of the Cherokee Nation. It further appears that he has resided all his life in the Indian Territory, except for a period of three years following the autumn of 1897, during which period he was temporarily absent therefrom; but it does not appear that he ever forfeited or abjured his citizenship in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Charley Hailstock should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 9 1903

Cherokee Freedmen
D-1123

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of Charley Hallstock as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-4.

Commissioner in Charge.

Ch of Chee Freedmen
D-1128.

Muskogee, Indian Territory, April 21, 1904.

Charley Hailstock,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Register

Enc. D-12.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Charley Hailstock,

Tahlequah, Indian Territory.

Cher Fr 1313

see Cher Fr 1315

Cher Fr 1314

REJECTED, as to wife, Lula.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 5,1901.

In the matter of the application of Lewis Lasley for the enrollment of himself, wife and child as Cherokee freedmen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Lewis Lasley.
Q How old are you, Lewis? A I am 24 years old.
Q What is your post-office address? A Longpah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other tribe or nation?
A No sir.
Q Who do you want to enroll besides yourself? A I want to enroll my family.
Q You apply to enroll your family, wife and children? A Wife and child.
Q What is the name of your wife? A Lula Lasley; her name was Nave.
Q How old is she? A She is about 22 I think.
Q What is the name of your child? A Zola.
Q How old is Zola? A 3 years old.
Q What is your wife's father's name? A Reuben Nave.
Q What is her mother's name? A Carrie.
Q Are they living? A Yes sir.
Q Are they freedmen? A I guess so, I don't know.
Q You don't know whether your wife is or not do you? A No, I can't tell you that.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 131 #1677 Louis Lassley, Coowweescoowee Dist, adopted col'd

Q You know whether your wife has been recognized as a citizen don't you; did she draw Strip money A Yes sir, she drawed that.

1880 authent cated roll of citizens of the Cherokee Nation examined for applicant's wife and name not found.

Q Your wife don't appear to be on the authenticated roll of 1880, do you know that? A No sir.
Q Were you married to her? A Yes sir.
Q Have you got any certificate of marriage? A No sir, I married before I had to get a license.
Q Who married you? A Mr. Smith, in Coffeyville.
Q Did you have a license? A No sir, it was before this license law come in.
Q Did you marry in Coffeyville? A No sir, I married in Gooseneck this side of Coffeyville.

1896 census roll of citizens of the Cherokee Nation examined for applicant, and identified thereonas follows:
page 409 #287 Louis Lassley, Coowweescoowee District.

Q Where was your wife born? A She was born down here in Saline District on Grand River.
Q You lived in the Cherokee Nation all your life? A Yes sir.
Q Living here now? A Yes sir.

Com'r Needles: The name of Lewis Lasley is found upon the authenticated roll of 1880 as well as the census roll of 1896; he avers that he was married to one Lula Nave, and applies for her enrollment, but the name of Lula Nave cannot be found upon the census roll of 1896, nor upon the authenticated

roll of 1880, neither can the name of her mother be found; no satisfactory proof is presented as to her citizenship, consequently the application for the enrollment of his wife Lula is rejected; he avers that he was married by one Smith, but presents no certificate of marriage; as a result of said marriage there is one child, Zola, three years old, whose name does not appear upon the census roll of 1896, having been born after the said roll was compiled; he is duly identified and make a satisfactory proof as to residence, consequently Mr Lewis Lasley and his child Zola will be listed for enrollment as Cherokee Freedmen, but in order to complete the enrollment of his child it will be nexessary for him to file a certificate of marriage to his wife Lula and proof of birth as to the birth of the child, Zola.

---oOo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to beforr me this April 6, 1901.

C A Brevard

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29,1901.

In the matter of the application of Lula Lasley for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Lula Nave.
Q How oldare you? A About 22.
Q What is your post-office? A Chouteau.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do youwant to be enrolled bysides yourself? A My chid.
Q One child? A Yes sir.
Q What is its name? A Zola Lasley.
Q How old is it? A Three years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Lewis Lasley.
Q How does your name happen to be Nave if your husband's name is Lasley, your name is Lasley aint it? A Yes sir.
Q Whatis your name? A Lula Lasley.
Q Is your husband a citizen? A Yes sir.
Q Whatis your father's name? A Reuben Nave.
Q Whatis your mother's name? A Carrie Nave.
Q Is your father living? A Yes sir.
Q Your mother living? A Yes sir.
Q Where were you born? A I was born down on Grand river.
Cherokee Nation? A Yes sir.
Q Lived in the Cherokee Nation all your life? A Yes sir.
Q Has your father or mother been listed here for enrollment?
A Father and mother both.
Q You claim through your mother and father both? A Yessir.
Q You and Lewis Lasley living together? A Yes sir.

Note:: It is found that applicant's husband enrolled this child for whom she applied at first.

Q Is your name on any of the rolls of the Cherokee Nation? A I dont know, I think it is.

Kern-Clifton pay roll of citizensof the Cherokee Nation examined and applicant identifiedon
page 164 #4049 Lulie Nave, Cooweescoowee District;
Wallace roll of citizensof the Cherokee Nation examined and applicant identified on
page 132 #2770 Lulu Nave, Saline District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q What is your oldest sister named?A Lena Nave.

Com'r Needles: Lula Lasley applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but she is identified upon the Kern-Clifton and the Wallace rolls; she avers that she is the wife of Lewis Lasley, who has heretofore been listed for enrollment, and the child of Reuben and Carrie Nave, her mother is listed on D 945, and the testimony taken in that case will bemade a part of the testimony in the case at bar and a copy of said testimony will be made a part of the testimony herewith and filed; she will now be listed for enrollment as a Cherokee Freedman, on a doubtful card,- and

Lula Lasley 2

she will be notified at her post-office address of the action of the Commission.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this July 12, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED,
JUL 16 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28,1901.

In the matter of the application of Carrie Nave for the enrollment of herself and eight children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Carrie Nave.
Q How old are you? A About 43. I don't know my age exactly.
Q What is your post-office address? A Chouteau.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nine children.
Q Are you married? A No sir, not married.
Q What was your father's name? A Bob Webber.
Q Is he living? A No sir.
Q Your mother's name? A Lucinda French.
Q Is she living? A No sir, she is dead.
Q What was your husband's name? A Reuben Nave.
Q You and he living together now? A No sir.
Q Is your name on the roll of 1880? A It was on there, but it was taken off.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, on the Wallace.
Q Have you any witnesses? A Yes sir.
Q Who are they? A Sam Webber and Bill Webber and Jerry Butler.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Bob Webber.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Kansas.
Q When did you return? A I couldn't tell you the year.
Q Why can't you tell the year? A I don't know.
Q Can't recollect, or wasn't you old enough? A I was very small.
Q Who did you go out with? A My mother.
Q Did you return with your mother? A Yes sir.
Q Where did you return to, if you recollect? A On the east side of Grand river, on Spring Creek.
Q Your mother is dead? A Yes sir.
Q And your father also? A Yes sir, my father died, my step-father is living.
Q Give me the names of your children? A Lula.
Q How old is Lula? A 22.
Q Well she must apply for herself, your children, what have you got under age and unmarried? A Lena, 20.
Q Next one? A Osie Phillip, 18.
Q Next one? A Willie, 16. Ella, 14, Georgia, a girl, 12, Mattie, 10.
Q Next? A Henrietta, 8.
Q Next one? A Clemmie, 5.
Q Girl or a boy? A Boy.
Q That all? A Yes sir.
Q These children all born in the Cherokee Nation? A Yes sir.
Q All living with you at this time? A Yes sir, all living.
Q What place in Kansas did you go to? A I couldn't tell you, I don't remember.
Q Went out with your mother? A Yes sir.
Q Was your mother a slave also? A Yes sir.
Q Did she belong to Bob Webber? A Yes sir.
Q Your mother brought you back did she? A Yes sir, she brought me back.
Q None of these children married? A Yes sir, Lula, my oldest one.
Q But Lena aint married? A No sir.

BY MR. HASTINGS, Cherokee Rep've:
Q Is your father dead? A Yes sir.
Q When did he die?A I couldn't tell you; died when I was small.
Q Die before or during the war? A I guess he did, died before the war I reckon.
Q You don't remember seeing him? A No sir.
Q You remember anything of your return trip back here?A Oh I can remember we first lived on Spring Creek, that's the first place we stopped.
Q You were living there when you can first remember? A Yes sir.
Q You don't remember anything of the trip coming back? A No sir, not much.
Q You remember who brought you? A Come back with my mother and step-father.
Q Step-father, Dave French? A Yes sir.
Q You know whether it was very cold weather or not? A No sir, I don't remember about that.
Q You ~~kmm~~ lived on Spring Creek awhile after you came back? A Yes sir.
Q At what place were you living when you were first old enough to remember?A On Spring Creek, close to Rab Musgroves.
Q Was he living there at that time? A Yes sir.
Q That Rab Rogers? A Yes sir.
Q You remember any of the rest of your neighbors? A Yes sir, a few of them.

SAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q Your age? A About 58.
Q Your post-office address? A Nowata.
Q You are a recognized Freedman citizen of the Cherokee Nation? A Yes sir.
Q You know the applicant here, Carrie Nave? A Yes sir.
Q How long have you known her? A Ever since she was born.
Q What was her father's name? A Her mother claimed that her old boss was the father.
Q What was her mother's name? A Cindy Webber.
Q She ever go by the name of Lucinda French? A Yes sir.
Q How was that? A She married Dave French.
Q Her mother was a slave?A Yes sir.
Q Who did she belong to? A Robin Webber.
Q Was Carrie born a slave? A Yes sir.
Q Was Carrie and her mother taken out of the Cherokee Nation during the war?A Yes sir.
Q Where did they go to? A They went up to Ft. Scott.
Q Her master, Bob Webber, was a Cherokee citizen? A Yes sir, he was a Cherokee.
Q When did they return, if you know? A I met them along the later part of August in '66, coming backhere when they come back.
Q ~~Coming back back~~Where did you see them?A Up here on Horse Creek.
Q Was you going that way? A Yes sir, and met them coming back.
Q In the latter part of '66?A Yes sir.
Q Who was with them?A Her mother and brothers and Hands and French.
Q Have you knownher ever since that? A I have met her several times since that.
Q What is her husband's name now? A One of the Nave boys, I don't know his first name.
Q You know whether she has lived in the Cherokee Nation continuously since that time until now? A Yes sir, she was an orphaN.

Q BY MR. HASTINGS, Cherokee Rep've:
Q Who all was along in that party that you met? A Dave French, and Cindy French was his wife, and Rachel Webber and Linda Webber, and this girl and an older sister than this one, I can't call her name now, but I know her name, and then there was a small girl along, another sister of hers,- that oldest one was named Ellen I believe.
Q You were going the other way? A Yes sir.
Q You met them on Horse Creek? A Yes sir.
Q How many wagons did they have? A I only saw one wagon.
Q How long did you stop there? A An hour or two I guess.
Q Talked with them awhile? A Yes sir.
Q Dave French was along? A Yes sir.
Q Was William Webber along with you? A He was along with her.

WILLIAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A William Webber.
Q How old are you? A 51 years old.
Q What is your post-office? A Dewey, Cooweescoowee.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know the applicant here, Carrie Nave? A Yes sir.
Q How long have you known her? A I have knowed her all my life time, she is my sister.
Q You and her had the same mother? A Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A Yessir She went out with the balance of us.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Robert Webber.
Q Where did you all go to? A Kansas.
Q Did you return together? A Yessir.
Q When? A In the year '66.
Q Where did you arrive in '66? A We come in the nation and stopped for settlement on Spring Creek.
Q Your mother? A Yes sir.
Q And your sister here? A Yes sir.
Q And yourself? A Yes sir.
Q And the balance of the family? A Yes sir, we was all together.
Q Has she lived in the Cherokee Nation continuously since that time? A I think so, I have been a good ways apart from her, but I don't think she has been out of the Nation.
Q You hear from her and see her? A Very often, yes sir.
BY MR. HASTINGS:
Q Who were your neighbors on Spring Creek? A McBirds, and Vanns.
Q Rab Rogers live over there? A Yes sir.
Q Houston Rogers live there? A Yes sir. There was several of them lived over there.

JERRY BUTLER, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Jerry Butler.
Q How old are you? A About 43.
Q What is your post-office? A Chouteau.
Q You are a Cherokee Freedman? A Yes sir.
Q Do you know the applicant, Carrie Nave? A Yes sir.
Q How long have you known her? A I have knowed her about 30 some odd years.
Q Were you acquainted with her before the Civil War? A No sir.
Q Known her since the Civil war? A Yes sir.
Q You don't know where she was in the year '66 or do you? A I

don't just remember, I know where she was in '67.
Q Where was she in '67? A She was on Grand river.
Q Do you know where she was the year before? A I would be positive, but I think she were there the other side of the river.
Q What time in the year '67 Mr. Butler? A It was along in the fall when I first knew them there.
Q Have you known her since that time? A Yes sir.
Q Has she been living in the Cherokee nation all the time? A Yes sir.
Q You knew her father? A No sir.
Q You know her mother? A Yes sir.
Q What was her name? A Cindy Webber, Cindy French when she died.
Q You didn't know them before the war? A No sir.

BY MR. HASTINGS:

Q On which side of Grand river were they when you first knew them after the war? A When I first saw them they was living in a little house right there by the Salt Lick.
Q That on the east side or the west side of the river? A That was on the west side.

BY COM'R NEEDLES:

Q You are not positive whether you saw them in '66 or not? A No sir

Applicant, CARRIE NAVE, re-called and further examined;

BY COM'R NEEDLES:

Q Is your name on the roll of 1880? A It was, it ought to be on there.
Q Is the name of your mother on that roll? A Yes sir.
Q And of all your brothers and sister on the roll of 1880? A Yes sir, I don't know but I think there's some of them on there, two or three of them.

✓ 1880 authenticated roll of citizens of the Cherokee nation examined for applicant's mother and found on page 106 #1192 Linda French, Cooweescoowee Dist, adopted col.

Q Did you have a brother, Wash? A No sir.
Q Did you have a sister, Jennie? A Yes sir.
Q Did you know Wash Webber? A No sir, I know Wash French.
Q Who was Wash French? A My step-father's son.
Q Then you had an own sister, Jennie? A Yes sir.
Q Brother Tom? A No sir.
Q Do you know Tom French or Tom Webber? A No sir.
Q Did you know Eli? A Yes sir, that's my brother.
Q Did you have any other brother besides that? A Yes sir.
Q Who? A Bill Webber.
Q Anybody else? A Jim Webber and Andy Webber.
Q How old was William? A He would have been in 55 I guess, I don't know his age.
Q Is he older than you? A Yes sir.
Q Is he an own brother of yours? A Yes sir.
Q Is James younger than you? A Yes sir.
Q Andy younger than you? A No sir, he is older.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's brothers above given and names not found.

Q Was Jennie your full sister? A Yes sir.
Q Eli your full brother? A No sir, only half.
Q By the same mother or father? A By the same mother.
Q Tell us why your name is not on the roll of 1880? A Mr. Butler here-

WITNESS, JERRY BUTLER, re-called and further exami ned;

BY COM'R NEEDLES:

Q Mr. Butler, explain that? A It was on there, it was scratched out; I saw Soggy Sanders have her name scratched out. He said her husband was not a citizen, and she wasn't either, and he scratched it out.
Q Soggy did? A Red-inked it.
Q You saw it done? A Yes sir, saw him scratch it out.
Q She aint the one that Soggy said came back too soon? A No sir, that was my uncle, come at the same time, Dave Tadpole testified for him, and they asked him when he come; he said '65, they said, too soon, scratch it out.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
page 164 #4048 Carrie Nave, Cooweescoowee District;
page 164 #4050 Lenia Nave, Cooweescoowee District;
page 164 #4051 Phillip Nave, Cooweescoowee District;
page 164 #4052 Willie Nave, Cooweescoowee District;
page 164 #4053 Ellen Nave, Cooweescoowee District;
page 164 #4054 Georgie Nave, CooweescooweeDistrict;
page 164 #4055 Mattie Nave, Cooweescoowee District;
page 164 #4056 Henrietta Nave, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applic ant identified on
page 132 #2769 Caroline Nave, Saline District.
Note: "Child of Linda French, #95, Cooweescoowee District."
page 132 #2771 Lina Nave, Saline District.

Applicant, CARRIE NAVE, re-called and further examined;

BY COM'R NEEDLES:
Q Are these children all alive and living with you? A Yes sir. and I have one grand child.
Q You apply now for a grand-child? A Yes sir.
Q Whose child is it? A Lena's
Q What is the name of the child? A Sherman.
Q What else? A She will have to come and answer for that herself, I don't know.
Com'r: Well, named Nave.
Q How old is it? A Three years old.

Com'r Needles: Carrie Nave applies for the enrollment of herself and 8 children; she is ~~in~~ not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the roll as indicated in the testimony; the names of her children, Lena, Osie P., Willie, Ella, Georgia, Mattie and Henrietta are identified upon the authenticated roll of 1880; the younger child, Clemmie's name does not appear upon any roll, and it will be necessary for her to file satisfactory proof its birth; she and her oldest child, Lena, are identified upon the Wallace roll according to page and number of the roll; she avers that she was a slave of Robin Webber, a Cherokee citizen; was taken out of the Cherokee Nation during the war, and returned, as she avers, in 1866, and she produces proof to that effect; for particulars see the testimony. She avers that she is a child of Lucinda Webber or Lucinda French, and her mother, Lucinda, is duly identified upon the authenticated roll of 1880; she has several brothers and sisters, of which Jennie and Eli are identified upon the au-

Carrie Nave et al 6

thenticated roll of 1880; she make s satisfactory proof (Here comes in the examination of applicant for application of grand child.) She also applies for a grand-child, Sherman Nave, illegitimate child of her daughter, Lena, three years old; it will be necessary for her to file satisfactory proof of birth of said child; the testimony would indicate that said Carrie Nave and her children were entitled to be enrolled as Cherokee Freedmen, but from the fact that her name is not on the roll of 1880, and the further fact that some of her brothers and sisters are not on said roll, and the further fact that the testimony of her step-father, Dave French, taken in the matter of his own enrollment does not fully corroborate the fact that she returned in the year 1866, said Carrie Nave and her eight children enumerated herein, together with her grand-child, Sherman, will be listed for enrolment as Cherokee Freedmen upon what is known as a doubtful card, awaiting the further consideration of the Commission; she will be notified by mail at her post-office address of the action of the Commission in the premises.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 12, 1901.

Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE

FILED
JUL 16 1901

3:945

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 26, 1901

Post Office Chouteau I.T.

District Talequa

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Doubtful

1+. Name of wife Adaline Nave Age 43

Owner's name Capt. Webber Citizenship Cherokee

Year 1880 Page 164 No. 4048 District Cooweescoowee

Parents:

Father Capt. Webber - dead Citizenship Cherokee

Mother Lucinda French - dead Citizenship Cherokee Freedman

Names of Children:

2+. Lina Nave " Year 1880 Page 164 No. 4050 Dist. Cooweescoowee 20

3+. Philip " Year " Page 164 No. 4051 Dist. " 18

4+. Ellen " Year " Page 164 No. 4052 Dist. " 16

5+. Ella " Year " Page 164 No. 4053 Dist. " 14

6+. Georgia " Year " Page 164 No. 4054 Dist. " 12

7+. Mattie " Year " Page 164 No. 4055 Dist. " 10

8+. Henrietta " Year " Page 164 No. 4056 Dist. " 8

9+. Coleman " Year — Page — No. — Dist. — 3

10. Adrian " Year — Page — No. — Dist. — 3

12. Year Page No. Dist.

Application made by W. J. Stenographer W. B. Smith

1 On Wallace roll P. 132 #2769 - Caroline Nave

2 " " roll " " Lina Nave

3 " " " " " Philip

5 " " " " " Ellen

6 " " " " " Georgia

9 " Birth cert. required.

2 On Wallace roll P. 132 #277 - Lina Nave

Doubtful

CHEROKEE FREEDMAN. 5945

20

IN RE

Application for Enrollment of

INFANT CHILD

S Herman Mark

as a citizen of

CHEROKEE Nation.

Approved, JUN 28 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

Acting Chairman.

BIRTH AFFIDAVIT. 29

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Application for Enrollment, as a citizen of the Cherokee Nation, of Sherman Naus (Here insert name of child) born on the 5 day of October, 1897

Name of Father: James Williams a citizen of the Cherokee Nation.

Name of Mother Lena Naus, a citizen of the Cherokee Nation.

Post-office, Lo Flore I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Northern (INDIAN TERRITORY.) District.

I Lena Naus, on oath state that I am 20 years of age and a citizen, by adoption of the Cherokee Nation; that I ~~am~~ the lawful wife of James Williams, who is a citizen, by adoption of the Cherokee Nation; that a male (male or female.) child was born to me on the 5 day of October 1897; that said child has been named Sherman Naus, and is now living.

Lena Naus

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 28 day of June 1901.

Louis T Brown NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, Northern (INDIAN TERRITORY.) District.

I, Carrie Naus, a midwife on oath state that I attended on Mrs. Lena Naus, wife of James Williams on the 5 day of October, 1897; that there was born to her on said date a male (male or female.) child; that said child is now living and is said to have been named Sherman Naus

Carrie her X mark Naus

WITNESSES TO MARK:

(Must be Two Witnesses) Edward L Finke

Subscribed and sworn to before me this 28 day of June 1901.

Louis T Brown NOTARY PUBLIC.

CHEROKEE FREEDMAN. D945

IN RE

Application for Enrollment of

INFANT CHILD

blen Nave

as a citizen of

CHEROKEE Nation.

Approved JUN 28 1901 1901

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

ACTING CHAIRMAN

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Application for Enrollment, as a citizen of the Cherokee Nation, of Cleve Nash (Given name preferred), born on the 17 day of April, 1897
Name of Father: Noah Alsbury, a citizen of the Cherokee Nation.
Name of Mother: Carrie Nash, a citizen of the Cherokee Nation.
Post-office, Chouteau I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Northern (Judicial Division.) District.

I, Carrie Nash, on oath state that I am 43 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Noah Alsbury, who is a citizen, by adoption of the Cherokee Nation; that a male (sex) child was born to me on the 17 day of April, 1897, that said child has been named Cleve Nash, and is now living.

Carrie X Nash
her mark

witnesses to mark:
(Post-office) [illegible] Chouteau I.T.
(Post-office) Chouteau I.T.

Subscribed and sworn to before me this 26 day of June, 1901.

Louis F. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Northern (Judicial Division.) District.

I, Lewis Nash, a [illegible] on oath state that I attended on the wife of Carrie Nash, on the 17 day of April, 1897, that there was born to her on said date a male child, that said child is now living and is said to have been named Cleve Nash.

Lewis Nash

witnesses to mark:
(Post-office)

Subscribed and sworn to before me this 26 day of June, 1901.

Louis F. Brown
Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. FERGUSON
C. R. BREEDLOVE

ANDREW L. ADAMS, SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes two copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedman.

Clerk Cherokee Freedmen

[illegible]
Attorney for applicants

SEP

NOTICE!

IN THE MATTER OF the application of Carrie Mave
for enrollment as Cherokee Freedmen:
Case No. F. D 945

To Carrie Mave Chouteau, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on Oct 2 25th at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Oct. 9, 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

N

F. D. 9451

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of....., 190....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Carrie Rose

OCT 10 1901

on the ..... day of ..... A. D. 190.1

Moses Rose

Subscribed and sworn to before me this OCT 10 1901

J. C. Adams

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
10 1901

ACTING CHAIRMAN.

C F B - 24

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Lasley, nee Nave, for enrollment as a Cherokee freedman.

SUPPLEMENTAL STATEMENT.

From an examination of the testimony and the evidence in this case, it is found that on the 6th day of April, 1901, Lewis Lasley, husband of the aforesaid applicant, made application for her enrollment; which application was denied, and she was listed for enrollment as a rejected freedman.

Upon further examination, it is found that on the 29th day of June, 1901, Lula Lasley, nee Nave, made application in person and was listed by the examiner in the field, as a Cherokee freedman on a doubtful card.

In view of the facts hereinbefore stated, Lula Lasley, nee Nave, will now be listed in accordance with the judgment of the field examiner, on the 29th day of June 1901, on a doubtful card, and her enlistment as a Cherokee freedman on a rejected card is ordered cancelled, and the above transfer made, and it is so ordered.

Commissioner.

Dated at Muskogee, I. T.
this 25th day of February, 1902.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 13 1902

DEPARTMENT OF THE INTERIOR

Freed. D. 1167

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith. Cherokee Nation by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 495, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Carrie Hare, F 945;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

F D 866 -2

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request on the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 10, 1902.

Notary Public.

Freed. B-845.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Harris Dave for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Pollard & Smith; Cherokee Nation by W. W.Hastings.

W. W. Hastings: The Cherokee Nation asks that the testimony taken on behalf of the Cherokee Nation in freedman cases D-815, freedman D-856, freedman D-835, F. D-216, F.D-391, together with the testimony of Aaron Rabbit, freedman D-816, and the supplemental statement of Herbert Sanders in freedman doubtful 391 be made a part of the record in this case.

Mr. Smith: The applicant objects for the reason that the testimony wasnot taken with reference to this case and was not taken under the ruling of this Commission with regard to notice and opportunity of cross-examination, and for the further reason that the same is hearsay, and for the further reason that it is not the best evidence and because it is incompetent in manner and form.

Commission: The request of the nation will be complied with and the testimony filed.

The undersigned, beingduly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of June, 1902.

Notary Public.

Freed D 680.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 31, 1902.

In the matter of the application of [redacted] ADAIR for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 19209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[redacted] Dora Rose, " 945;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same be called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that Counsel for the applicants be allowed within thirty days to file any of the proof of any kind or character whatsoever that the Cherokee Nation may refer to

F D 280

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. C. Reuter,
(SEAL) Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Carrie Nave, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Carrie Nave, et al., ... Cherokee Freedman D. 945,
Lula Lasley, ... Cherokee Freedman D. 948.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Carrie Nave, for herself, her minor children Lena, Osie P., Willie, Ella, Georgia, Mattie, Henrietta and Clem Nave, and her minor grandson Sherman Nave; and by Lewis Lasley for his wife Lula Lasley, among others. The other parties to his application being differently classified, are not embraced in this decision.

The evidence shows that the applicant, Carrie Nave, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion, but returned to the Cherokee Nation with her mother, Lucinda French, prior to January 19, 1867. All the other applicants herein were born since 1866, and are the descendants of said Carrie Nave.

The evidence further shows that Lula Lasley has resided in the Cherokee Nation all her life; that Carrie Nave has resided in said Nation continuously since 1866, and it is considered that the said minor applicants have resided all their lives with the said Carrie Nave in the Cherokee Nation.

It is therefore the opinion of this Commission that Carrie Nave, Lena Nave, Osie P. Nave, Willie Nave, Ella Nave, Georgia Nave, Mattie Nave, Henrietta Nave, Clem Nave, Sherman Nave and Lula Lasley should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory,
this MAR 5 1904

4045

IN RE
THE DEATH OF

Carrie Mane

a citizen of the

Cherokee Nation.

Approved August 1 1904

C. R. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 1 - 1904

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Carrie Crane (Cold)
(Give full name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near
Chelsea (Give town name or postoffice), Ind. Ter., and died on the 8" day of
November, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
(Indian Territory, Northern District.)
Southern District.

I, Lena Henderson, on oath state that I am 28
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Chelsea, Ind. Ter.; that I am
Daughter of Carrie Crane,
(State relationship, as: the father; or mother; or wife; or husband, etc.) (Give full name of deceased)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Carrie Crane died on the 8" day of
(Give full name of deceased)
November, 1901.

Witnesses to mark: Lena Henderson

(Witnesses) { _____
_____

Subscribed and sworn to before me this 22 day of July 1904.
Chelsea, I. T. D. B. Bledsoe
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
(Indian Territory, Northern District.)
Southern District.

I, W. C. Bryant, on oath state that I am 37
years of age, and a citizen, by blood, of the _____ Nation;
that my post office address is Chelsea, Ind. Ter.;
that I was personally acquainted with Carrie Crane
(Give full name of deceased)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Carrie Crane died on the 8" day of
(Give full name of deceased)
November, 1901. W. C. Bryant, M. D.

Witnesses to mark:

(Witnesses) { _____
_____

Subscribed and sworn to before me this 22 day of July 1904.
Chelsea, I. T. D. B. Bledsoe
Notary Public.

Cherokee Freedmen 1324.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., August 6, 1904.

IN the matter of the application of Carrie Rowe for the enrollment of herself and children, Lena, Osie P., Willie, [illegible] Georgia, Hattie, Henriette, Glen and Sherman Rowe as Cherokee freedmen.

SUPPLEMENTAL TESTIMONY.

LENA ROWESTON being sworn and examined by the Commission, testified as follows:

Q What is your name? A My name is Lena Rowestown.
Q How old are you? A 23.
Q What is your postoffice? A Chouteau.
Q You are a Cherokee Freedman, are you? A Yes sir.
Q Are you married? A Yes sir.
Q Have you married since you applied for enrollment. A Yes sir.
Q What is the name of your husband? A Birt Rowestown.
Q Is that he (pointing) A Yes sir.
Q You and he are living together now, are you? A Yes sir.
Q When were you married? A I have been married two years this coming October.

- - - - -

I, May Nelson, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this cause and that the foregoing is a true and complete transcript of my stenographic notes thereof.

[signature]

Subscribed and sworn to before me this 6th day of August, 1904.

[signature]

[redacted]

[redacted]

In the matter of the application for the enrollment of Harold Tobey, et al., as Choctaw Freedmen, constituting the applications of:

Harold Tobey	Choctaw Freedman	16
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	Choctaw Freedman	[redacted]
[redacted]	[redacted]	[redacted]

-1 9 2 0 1 8 1 0 3 -

The records of this Commission show that applications were made to this Commission for the enrollment, as Choctaw Freedmen, of Harold Tobey, Nida Smith, Lula Hadley, Lester Tyrone, Rhea Simpson, Silas Vann, Fred Vann, Sidney Rogers, Solomon Johnson, Curtis Ware and Jack Harold.

The records further show that on October 3, 1906, this Commission rendered its decision upon the applications of Harold Tobey, et al., by which the minor, Lula Hadley, was enrolled as a Choctaw Freedman.

The evidence shows that all the above named applicants died prior to September 25, 1906.

Section twenty-six of the Act of Congress approved July 1, 1902 (32 Stats., 641), provides:

"The roll of citizens of the Choctaw Nation shall be made up of the names of citizens by blood and freedmen of said nation living and entitled to be living on the first day of September, 1902, and children born to such persons thereafter entitled to enrollment on the date such roll is closed, as provided by the Commission to the Five Civilized Tribes,

[redacted]

It is, therefore, ordered that the [redacted] Indian Agency, in the Indian Territory, be, and the same is, hereby, [redacted] and that the [redacted] Indian Agency, in the Indian Territory, be, and the same are, hereby discontinued, in accordance with the provisions of section twenty-five of the Act above quoted.

[redacted] SECRETARY OF THE INTERIOR.

(Signed) [redacted]
[redacted].

(Signed) [redacted]
[redacted].

(Signed) [redacted]
[redacted].

Dated at Washington, Indian Territory,
this [redacted]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Carrie Nave,
Choteau, I. T.
Cherokee F-D-945
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
2043; 2043

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Carrie Nave, et al., granting the applications for the enrollment of Carrie, Lena, Ossie P., Willie, Ella, Georgia, Mattie, Henrietta, Glen and Sherman Nave and Lula Lesley as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. W-22

Commissioner in Charge.

COMMISSIONERS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREEDLOVE.
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-945.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 26, 1904.

Carrie Nave,

Chouteau, Indian Territory.

Dear Madam:

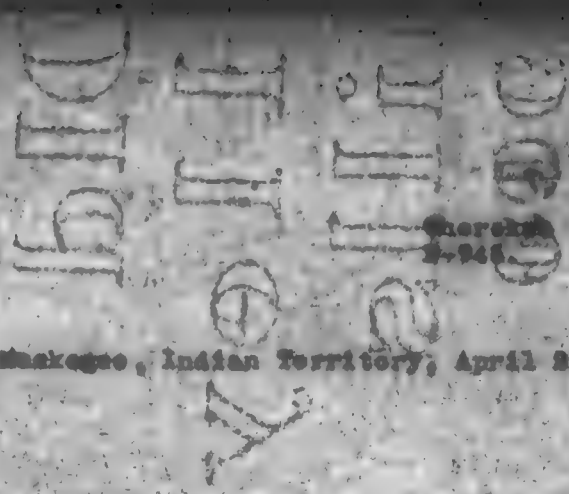
There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself, your minor children, Lena, Osie P., Willie, Ella, Georgia, Mattie, Henrietta and Clem Nave, and your grandchild, Sherman Nave, as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-9



Muskogee, Indian Territory, April 26, 1904.

Edgar Smith,

Attorney for Carrie Nave et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, the application for the enrollment of Carrie, Lena, Osie P., Willie, Ella, Georgia, Mattie, Henrietta, Clem and Sherman Nave as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-10.

COPY.

Surveyor General's
Dept. of Int.

Ottawa, Indian Territory, May 14, 1902.

Hall, Hastings & Davenport,

Attorneys for the Sarcee Indians,

Calgary, Indian Territory.

Gentlemen:

Herewith is enclosed a copy of the decision of the Commissioner in the Five Christmas Tribes, dated May 12, 1902, dismissing the applications for the enrollment of Angelo Tetsyo et al., as Sarcee Indians.

Respectfully,

(SIGNED). Jesse Bixby
Chairman.

Encl. 1 cds.

COPY

Commission to
Five Civilized
Tribes.

Muskogee, Indian Territory, May 13, 1901.

Commissioner in Charge,
Dawes Land Office,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1901, dismissing the application for the enrollment of Angie Veber et al., as freedmen freedmen.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incls. 1-44.

COPY.

Muskogee, Indian Territory, August 9, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letters of May 21, 1906 (I.T.D. 6186-1906), June 14, 1906 (I.T.D. 6840-1906), October 4, 1905 (I.T.D. 12228-1906), and January 12, 1906(I.T.D.116-1906), relative to striking from the approved roll of citizens of the Cherokee Nation the names of 286 persons who are shown to have died prior to September 1, 1902, there are inclosed herewith affidavits as to the death of certain of said persons. The number of the enrollment cards which these persons are listed, the number opposite which they appear on the approved partial roll of Cherokee citizens, and their names are as follows:

Cherokees by blood.

Card No.	Roll No.	Name.
438	1214	Ray L. Book
2406	2396	Joseph Hair
2448	4226	Annie Kingfisher
2552	4919	James Keeler
2551	4924	Perry S. Keeler
2568	5078	Osie M. Morgan
2615	5715	Andrew Jackson Calvert
2671	6439	Ella Terrell

Card No.	Roll No.	Name.
5776	6005	Gladis A. Tenny
5778	6008	John E. Bryan
5779	6009	Josephine E. Bryan
5780	7011	John A. Eaton
5782	7014	John M. Pinnell
5785	7017	Edward A. Ahrly
5788	7020	Leo V. Woodard
5792	7046	Eleanor Dunn
5806	21168	Lemuel Witzner
5848	21147	Tuthy Raffy
5894	12706	Henry P. Carter, Jr.
5976	22212	Jesse L. Smith
6118	14804	Dora A. Ellis
6277	14976	V. Perry Brewer
6277	14976	Mattie Brewer
6287	13668	Annie Terrell
6696	15777	James E. Lynch
6746	16182	Hattie Bell
7677	18076	Lewis Tolen

Cherokee Freedmen.

Card No.	Roll No.	Name.
751	1804	Lincoln Lynch
776	1897	Nellie E. Alberty
1234	2631	Mattie Rave

The Department's instructions of June 1, 1905(I.T.D. 6240-1905), and October 4, 1905 (I.T.D. 12888-1905), as to the proceedings to be taken with reference to these persons have been complied with. Notice, under date of March 14, 1906, of the information received as to the date of the death of the above named persons, was given by publication for four consecutive issues in "The Cherokee Advocate" and Pryor Creek Clipper, both weekly newspapers of general circulation, the

former published in the Cherokee Nation at Tahlequah, Indian Territory, and the latter published at Pryor Creek, Indian Territory, in the Recording District, in which the above named persons are shown to have resided at the time of their death. The first issues of this publication in "The Cherokee Advocate" was on March 3, and the first issue in the "Pryor Creek Chieftain" was on March 2, 1906. Attention was called to Section 28 of the Act of Congress approved July 1, 1902 (32 Stat., 716), and notice given to the heirs of the persons named, the administrators of their estates, or any other person having any interest in the estates of the decedents, that the Commissioner would, at the expiration of sixty days from the date of the notice, recommend to the Secretary of the Interior the cancellation of the enrollment of said persons as citizens of the Cherokee Nation, unless conclusive evidence was presented to the effect that said persons were living on September 1, 1902.

In addition to this notice a letter was on May 1, 1906, addressed to each of the above named persons, or his heirs, at his last known postoffice advising the information received, the law with reference to the making of the roll of citizens of the Cherokee Nation, and that unless conclusive evidence was presented within thirty days from date to the effect that the decedent was living September 1, 1902, the Commissioner would recommend to the Secretary of the Interior the

cancellation of the enrollment of said person as a citizen of the Cherokee nation.

In information having been received that any one of the above named persons was living September 1, 1902, it is respectfully recommended that their names be stricken from the approved partial rolls of citizens and freedmen of the Cherokee Nation in the possession of the Department and the Commissioner of Indian Affairs; that this office be authorized to strike their names from the copies of the approved partial rolls in its possession, and that the applications for their enrollment as citizens of the Cherokee nation be dismissed.

Respectfully,

Commissioner.

Inst., Ch.N.B.,
C.I.T.

Through the Commissioner
of Indian Affairs.

(COPY)

Land
[illegible]-1906 DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

August 23, 1906.

C O P Y

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a report from the Commissioner to the Five Civilized Tribes, dated August 9, 1906 forwarding affidavits as to the deaths of certain persons whose names appear on a partial roll of citizens and freedmen of the Cherokee Nation. Commissioner Bixby refers to Departmental letters of May 21, (I.T.D. 6186-1905), June 1 (I.T.D. 6240-1905), October 4, (I.T.D.13228-1905), and January 12, (I.T.D. 110-1906), relative to striking from the approved roll of citizens of the Cherokee Nation the names of 286 persons who are shown to have died prior to September 1, 1902.

Commissioner Bixby reports that the Department's instructions as to the proceedings to be taken with reference to these persons, have been complied with, and no information having been received that any of the persons enumerated in his report were on September 1, 1902, he recommends that their names be stricken from the approved partial rolls of citizens and freedmen of the Cherokee Nation in the possession of the Department and

this office, and that he be authorized to strike their names from the copies of the approved partial rolls in his possession, and that the application for their enrollment as citizens of the Cherokee Nation be dismissed.

The affidavits have been examined in the Office, and are transmitted herewith, the Office concurring in the Commissioner's recommendation.

Very respectfully,

T. B. Ledyard.

Commissioner.

ETC-LC..

(COPY)

D. C. 37883

DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

I.T.D.14724-1906. August 29, 1906.

L.E.S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 9, 1906, you forwarded affidavits as to the deaths of 30 persons whose names appear on the approved rolls of citizens of the Cherokee Nation, and recommended that their names be stricken from the approved rolls of citizens and freedmen of the Cherokee Nation inthe possession of the Department and the Indian Office, and that you be authorized to strike their names from the copies of the approved rolls in your possession, you having complied with departmental instructions as to the proceedings to be taken with reference to these persons.

Reporting August 23, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs and you are authorized to strike the names of said persons from the copies of the approved rolls in your possession, as follows:

Cherokees by blood.

Roll No.	Name.
1314	Ray E. Beck
24396	Joseph Blair
4268	Annie Kingfisher
6819	James Teehee
6824	Perry S. Teehee

(COPY)

-2-

Cherokee by Blood.

Roll No.	Name
6973	Ocie M. Morgan
6985	Andrew Jackson Colvard
6990	Ella Terrell
6996	Gladis A. Henry
6999	John B. Bryan
[illegible]	Josephine M. Bryan
7011	John Av Eaton
7264	John E. Fletcher
7717	Edward A. Adair
7936	Leo V. Woodard
7944	Elmore Hamm
20548	Leonel Wittner
21647	Bobby Berry
12706	Henry P. Carter, Jr.
25112	Jesse L. Smith
14596	Nora A. Willis
14974	W. Perry Brewer
14976	Katie Brewer
15463	Aaron Terrell
15777	James M. Israel
16108	Hattie Bell
16976	Lewis Tolen

Cherokee Freedmen.

Roll No.	Name.
1804	Lincoln Lynch
1907	Nellie G. Alberty
3631	Hattie Reve

Respectfully,

Jesse E. Wilson

1 inclosure

Assistant Secretary.

Cherokee freedmen
1314

Muskogee, Indian Territory, September 28, 1906

Reuben Wave,

Chouteau, Indian Territory.

Dear Sir:

In connection with the application for the enrollment as a freedman citizen of the Cherokee Nation of your daughter, Nattie Wave, who is shown to have died prior to September 1, 1902, you are advised that her name was stricken from the approved roll of freedmen citizens of the Cherokee Nation, and the application for her enrollment dismissed by the Secretary of the Interior August 28, 1906.

Respectfully,

Commissioner.

MCP

Cher fr 1315

See Cher Fr 1315

Exhibit D, as to wife Lula.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 6, 1901.

In the matter of the application of Lewis Lasley for the enrollment of himself, wife and child as Cherokee freedmen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Lewis Lasley.
Q How old are you, Lewis? A I am 26 years old.
Q What is your post-office address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other tribe or nation?
A No sir
Q Who do you want to enroll besides yourself? A I want to enroll my family.
Q You apply to enroll your family, wife and children? A Wife and child.
Q What is the name of your wife? A Lula Lasley; her name was Nave.
Q How old is she? A She is about 22 I think.
Q What is the name of your child? A Zola.
Q How old is Zola? A 3 years old.
Q What is your wife's father's name? A Reuben Nave.
Q What is her mother's name? A Carrie.
Q Are they living? A Yes sir.
Q Are they freedmen? A I guess so, I don't know.
Q You don't know who her your wife is or not do you? A No, I can't tell you that.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 181 #1677 Louis Lassley, Tescoseseemee Dist, adopted cell'd

Q You know whether your wife has been recognized as a citizen don't you; did she draw Strip money A Yes sir, she drawed that.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's wife and name not found.

Q Your wife don't appear to be on the authenticated roll of 1880, do you know that? A No sir.
Q Were you married to her? A Yes sir.
Q Have you got any certificate of marriage? A No sir, I married before I had to get a license.
Q Who married you? A Mr. Smith, in Coffeyville.
Q Did you have a license? A No sir, it was before this license law come in.
Q Did you marry in Coffeyville? A No sir, I married in Goosenack this side of Coffeyville.

1896 census roll of citizens of the Cherokee Nation examined for applicant, and identified thereonas follows:
page 406 #8882 Louis Lassley, Tescoseseemee District

Q Where was your wife born? A She was born down here in Saline District on Grand River.
Q You lived in the Cherokee Nation all your life? A Yes sir.
Q Living here now? A Yes sir.

Com'r Needles: The name of Lewis Lasley is found upon the authenticated roll of 1880 as well as the census roll of 1896; he avers that he was married to one Lula Nave, and applies for her enrollment, but the name of Lula Nave cannot be found upon the census roll of 1896, nor upon the authenticated

roll of 1880, neither can the name of her mother be found; no satisfactory proof is presented as to her citizenship, consequently the application for the enrollment of his wife Lula is rejected; he avers that he was married by one Smith, but presents no certificate of marriage; as a result of said marriage there is one child, Zola, three years old, whose name does not appear upon the census roll of 1896, having been born after the said roll was compiled; he is duly identified and made satisfactory proof as to residence, consequently Lewis Lackey and his child Zola will be listed for enrollment as Cherokee freedmen, but in order to complete the enrollment of his child it will be necessary for him to file a certificate of marriage to his wife Lula and proof of birth as to the birth of the child, Zola.

---oOo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 6,1901.

Tams Bixby

Commissioner.

B.

N 334

D 2944

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 6 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 6- 1901

Post Office

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Lukat Lasley Age 22

Owners name Citizenship

Year Page No. District

Parents:

Father Reuben Grave Citizenship Colored

Mother Carrie Grave Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Lewis Lasley Stenographer Green Mc. D

To be filed in the case of Lula Lasley, [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28,1901.

In the matter of the application of Carrie Nave for the enrollment of herself and eight children and one grand child as Cherokee Freedmen, being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Carrie Nave.
Q How old are you? A About 45. I don't know my age exactly.
Q What is your post-office address? A Chouteau.
Q What district do you live in?A Saline.
Q You apply to be enrolled as a Cherokee Freedman?A Yes sir.
Q Who do you want to enroll besides yourself? A Nine children.
Q Are you married? A No sir, not married.
Q What was your father's name? A Bob Webber.
Q Is he living? A No sir.
Q Your mother's name? A Lucinda French.
Q Is she living? A No sir, she is dead.
Q What was your husband's name? A Reuben Nave.
Q You and he living together now? A No sir.
Q Is your name on the roll of 1880? A It was on there, but it was taken off.
Q Is your name on anyof the rolls of the Cherokee Nation? A Yes sir, on the Wallace.
Q Have you any witnesses? A Yes sir.
Q Who are they? A Sam Webber and Bill Webber and Jerry Butler.
Q Were you a slave?A Yes sir.
Q To whom did you belong? A Bob Webber.
Q Was he a Cherokee citizen?A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Kansas.
Q When did you return?A I couldn't tell you the year.
Q Why can't you tell the year? A I don't know.
Q Can't recollect, or wan't you old enough? A I was very small.
Q Who did you go out with?A My mother.
Q Did you return with your mother? A Yes sir.
Q Where did you return to, if you recollect? A On the east side of Grand river, on Spring Creek.
Q Your mother is dead? A Yes sir.
Q And your father also?A Yes sir, my father died, my step-father is living.
Q Give me the names of your children? A Lula.
Q How old is Lula? A 22.
Q Well she must apply for herself, your children, what have you got under age and unmarried? A Lena, 20.
Q Next one?A Osie Phillip, 18.
Q Next one? A Willie, 16. Ella, 14, Georgia, a girl, 12, Mattie, 10.
Q Next?A Henrietta, 8.
Q Next one? A Clemmie, 3.
Q Girl or a boy? A Boy.
Q That all? A Yes sir.
Q These children all born in the Cherokee Nation? A Yes sir.
Q All living with you at this time?A Yes sir, all living.
Q [illegible] A I couldn't tell you, I don't remember.
Q Went out with your mother?A Yes sir.
Q Was your mother a slave also? A Yes sir.
Q Did she belong to Bob Webber? A Yes sir.
Q Your mother brought you back did she? A Yes sir, she brought me back.
Q None of these children married? A Yes sir, Lula, my oldestone.
Q But Lena aint married? A No sir.

BY MR. HASTINGS, Cherokee Rep'ves:
Q Is your father dead? A Yes sir.
Q When did he die? A I couldn't tell you; died when I was small.
Q Die before or during the war? A I guess he did, died before the war I reckon.
Q You don't remember seeing him? A No sir.
Q You remember anyth ng of your return trip back here? A Oh I can remember we first lived on Spring Creek, that's the first place we stopped.
Q You were living there when you can first remember? A Yes sir.
Q You don't remember anything of the trip coming back? A No sir, not much.
Q You remember who brought you? A Come back with my mother and step-father.
Q Step-father, Dave French? A Yes sir.
Q You know whether it was very cold weather or not? A No sir, I don't remember about that.
Q You lived on Spring Creek awhile after you came back? A Yes sir.
Q At what place were you living when you ~~fixxxx~~ were first old enough to remember? A On Spring Creek, close to Rab Musgroves.
Q Was he living there at that time? A Yes sir.
Q That Rab Rogers? A Yes sir.
Q You remember anyof the rest of your neighbors? A Yes, sir, a few of them.

SAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q Yourage? A About 58.
Q Your post-office address? A Nowata.
Q You are a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q You know the applicant here, Carrie Nave? A Yes sir.
Q How long have you known her? A Ever since she was born.
Q What was her father's name? A Her mother claimed thather old boss was the father.
Q What was her mother's name? A Cindy Webber.
Q She ever go by the name of Lucinda French? A Yes sir.
Q How was that? A She married Dave French.
Q Her mother was a slave? A Yes sir.
Q Who did she belong to? A Robin Webber.
Q Was Carrie borna slave? A Yes sir.
Q Was Carrie and her mother taken out of the Cherokee nation during the war? A Yes sir.
Q Where did they go to? A They went up to Ft. Scott.
Q Her master, Bob Webber, was a Cherokee citizen? A Yes sir, he was a Cherokee.
Q When did they return, if you know? A I met them along the later part of August in '66, coming back here whenthey come back.
Q Where did you see them? A Up here on Horse Creek.
Q Was you going that way? A Yes sir, and met them coming back.
Q In the latter part of '66? A Yes sir.
Q Who was with them? A Her mother and brothers and hands and French
Q Have you known her ever since? A I have met her several times since that.
Q Whatis her husband's name now? A One of the Nave boys, I don't know his first name.
Q You know whether she has lived in the Cherokee nation continuously since that time until now? A Yes sir, she was an orphan.

BY MR. HASTINGS, Cherokee Rep'ves
Q Who all was along in that party that you met? A Dave French, and Cindy French was his wife, and Rachel Webber and Linda Webber,

and this girl and an older sister than this one, I can't call her name now, but I know her name,and then there was a small girl along, another sister of hers,- that oldest one was named Ellen I believe.
Q You were going the other way? A Yes sir.
Q You met them on Horse Creek? A Yes sir.
Q How many wagons did they have? A I only saw one wagon.
Q How long did you stop there? A An hours or two I guess.
Q Talked with them a while? A Yes sir.
Q Dave French was along?A Yes sir.
Q Was William Webber along with you? A He was along with her.

WILLIAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q Whatis your name? A William Webber.
Q How old are you? A 51 years old.
Q What is your post-office? A Dewey, Coowescoowee.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know the applicant here, Carrie Nave,A Yes sir.
Q How long have you known her? A I have knowed her all my life time, she is my sister.
Q You and her had the same mother? A Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A Yes sir she went out with the balance of us.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Robert Webber.
Q Where did you all go to? A Kansas.
Q Did you return together? A Yes sir.
Q When? A In the year ,66.
Q Where did you arrive in '66? A We come in the nation and stopped for settlement on Spring Creek.
Q Your mother? A Yes sir.
Q And your sister here? A Yes sir.
Q And yourself? A Yes sir.
Q And the balance of the family? A Yes sir, we was all together.
Q Has she lived in the Cherokee Nation continuously since that time?A I think so, I have been a good ways apart from her, but I don't think she has been out of the nation.
Q You hear from her and see her? A Very often, yes sir.

BY MR. HASTINGS:

Q Who were your neighbors on Spring Creek?A McBirds, and Vanns.
Q Rab Rogers live ~~there~~ over there? A Yes sir.
Q Houston Rogers live there? A Yes sir. There was several of them lived over there.

JERRY BUTLER, being sworn and examined by Com'r Needles, testified as follows:

Q Whatis your name?A Jerry Butler.
Q How old are you? A About 43.
Q What is your post-office? A Choutean.
Q You are a Cherokee Freedman? A Yes sir.
Q ~~Do you know the applicant, Carrie Nave, in the case~~
Q How long have you known her? A I have knowed her about 30 some odd years.
Q Were you acquainted with her before the Civil War? A No sir.
Q Known her since the Civil War? A Yes sir.
Q You don't know where she was in the year '66 or do you?A I don't just remember, I know where she was in '67.
Q Where was she in '67? A She was on Grand river.
Q Do you know where she was the year before? A I wont bepositive,

but I think she was there the other side of the river.
Q What time in the year '67 Mr. Butler? A It was along in the fall when I first knew them there.
Q Have you known her since that time? A Yes sir.
Q Has she been living in the Cherokee Nation all the time? A Yes sir.
Q You knew her father? A No sir.
Q You know her mother? A Yes sir.
Q What was her name? A Cinda Webber, Cindy French when she died.
Q You didn't know themberore the war? A No sir.
BY MR. HASTINGS:
Q On which side of the Grand river were they when you first knew them after the war? A When I first saw them they was living in a little house right there by the Salt Lick.
Q That on the east side or the west side of the river? A That was on the west side.
BY COM'R NEEDLES:
Q You are not positive whether you saw them in '66 or not? A No sir

Applicant, CARRIE NAVE, re-called and furth er examined;

BY COM'R NEEDLES:
Q Is your name on the roll of 1880? A It was, it ought to be on there.
Q Is the name of your mother on that roll? A Yes sir.
Q And of all your brothers and sisters on the roll of 1880? A Yes sir, I don't know but I think there's some of them on there, two or three of them.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother and found on page 106 #1192 Linda French, Cooweescoowee Dist, adopted col.

Q Did you have a brother, Wash? A No sir.
Q Did you have a sister, Jennie? A Yes sir.
Q Did you know Wash Webber? A No sir, I know Wash French.
Q Who was Wash French? A My stepfather's son.
Q Then you had an own sister, Jennie? A Yes sir.
Q Brother Tom? A No sir.
Q Do you know Tom French or Tom Webber? A No sir.
Q Did you know Eli? A Yes sir, that's my brother.
Q Did you have any other brother besides that? A Yes sir.
Q Who? A Bill Webber.
Q Anybody else? A Jim Webber and Andy Webber.
Q How old was William? A He would have been in 55 I guess, I don't know his age.
Q Is he older than you? A Yes sir.
Q Is he anown brother of yours? A Yes sir.
Q Is James younger than you? A Yes sir.
Q Andy younger than you? A No sir, he is older.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's brothers above given and names not found.

Q Was Jennie your full sister? A Yes sir.
Q Eli your full brother? A No sir, only half.
Q By the same mother or father? A By the same mother.
Q Tell us why your name is not on the roll of 1880? A Mr. Butler here-

WITNESS, JERRY BUTLER, re-called and further examined;

BY COM'R NEEDLES:

Q Mr. Butler, explain that? A It was on there, it was scratched out; I saw Soggy Sanders have her name scratched out. He said her husband was not a citizen, and she wasn't either, and he scratched it out.
Q Soggy did? A Had-inked it.
Q You saw it done? A Yes sir, saw him scratch it out.
Q She ain't the one that Soggy said came back too soon? A No sir, that was my uncle, come at the same time, Dave Tadpole testified for him, and they asked him when he come; he said '65, they said, too soon, scratch it out!

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
page 164, #4048 Carrie Nave, Coowescoowee District;
page 164 #4050 Lenia Nave, Coowescoowee District;
page 164 #4051 Phillip Nave, Coowescoowee District;
page 164 #4052 Willie Nave, Coowescoowee District;
page 164 #4053 Ellen Nave, Coowescoowee District;
page 164 #4054 Georgie Nave, Coowescoowee District;
page 164 #4055 Mattie Nave, Coowescoowee District;
page 164 #4056 Henrietta Nave, Coowescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 132 #2769 Caroline Nave Saline District.
Note: Child of Linda French, #95, Coowescoowee District.
page 132, #2771, Lina Nave, Saline District.

Applicant, CARRIE NAVE, re-called and further examined;

BY COM'R NEEDLES:
Q Are these children all alive and living with you? A Yes sir, and I have one grand child.
Q You apply now for a grand child? A Yes sir.
Q Whose child is it? A Lena's.
Q What is the name of the child? A Sherman.
Q What else? A She will have to come and answer for thatherself, I don't know.
Com'r: Well, named Nave.
Q How old is it? A Three years old.

Com'r Needles: Carrie Nave applied for the enrollment of herself and 8 children; she is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the roll as indicated in the testimony; the names of her children, Lena, Osie P., Willie, Ella, Georgia, Mattie and Henrietta are identified upon the authenticated roll of 1880; the younger child, Clemmie's name does not appear upon any roll, and it will be necessary for her to file satisfactory proof of its birth; she and her oldest child, Lena, are identified upon the Wallace roll according to page and number of the roll; she avers that she was a slave of Robin Webber, a Cherokee citizen; was taken out of the Cherokee Nation during the war, and returned, and as she avers, in 1866, and she produces proof to that effect, for particulars see the testimony. She avers that she is a child of Lucinda Webber or Lucinda French, and her mother, Lucinda, is duly identified upon the authenticated roll of 1880; she has several brothers and sisters, of which Jemmie and Eli are identified upon the authenticated roll of 1880; she makes satisfactory (Here comes in the examination of applicant for applicant of grand-child.) She also applies for a grand-child, Sherman Nave, illegitimate child of her daughter, Lena, three years old; it will be necessary for her to file satisfactory proof of

Carrie [illegible] et al

birth of [illegible] child or the testimony would indicate that said Carrie [illegible] and her children were entitled to [illegible] be enrolled as [illegible], but from the fact that her name is not on the [illegible] of 1896, and the further fact that some of her [illegible] are not on said roll, and the further fact that the testimony of her step-father, Dave French, [illegible] in the matter of his own enrollment does not fully [illegible]

[illegible] fact that she returned in the year 1866, said Carrie [illegible] and her eight children enumerated herein, together with her grand-child, Sherman, will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card, awaiting the further consideration of the Commission; she will be notified by mail at her post-office address of the action of the Commission in the premises.

---oOo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this July 12, 1901.

(signed)T.B.Needles,

Commissioner

---oOo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this August 28th, 1901.

T B Needles

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 29, 1901.

In the matter of the application of Lula Lasley for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Lula Nave.
Q How old are you? A About 22.
Q What is your post-office? A Chouteau.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to be enrolled besides yourself? A My child.
Q One child? A Yes sir.
Q What is its name? A Zola Lasley.
Q How old is it? A Three years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Lewis Lasley.
Q How does your name happen to be Nave if your husband's name is Lasley, your name is Lasley aint it? A Yes sir.
Q What is your name? A Lula Lasley.
Q Is your husband a citizen? A Yes sir.
Q What is your father's name? A Reuben Nave.
Q What is your mother's name? A Carrie Nave.
Q Is your father living? A Yes sir.
Q Your mother living? A Yes sir.
Q Where were you born? A I was born down on Grand River.
Q Cherokee Nation? A Yes sir.
Q Lived in the Cherokee Nation all your life? A Yes sir.
Q Has your father or mother been listed here for enrollment?
A Father and mother both.
Q You claim through your mother and father both? A Yes sir.
Q You and Lewis Lasley living together? A Yes sir.
Note: It is found that applicant's husband enrolled this child for whom she applied at first.

Q Is your name on any of the rolls of the Cherokee Nation? A I dont know, I think it is.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 164 #4049 Lulie Nave, Coowescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 132 #3770 Lulu Nave, Saline District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q What is your oldest sister named? A Lena Nave.

Com'r Needles: Lula Lasley applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but she is identified upon the Kern-Clifton and the Wallace rolls; she avers that she is the wife of Lewis Lasley, who has heretofore been listed for enrollment, and the child of Reuben and Carrie Nave, her mother is listed on D 945, and the testimony taken in that case will be made a part of the testimony in the case at bar and a copy of said testimony will be made a part of the testimony herewith and filed; she will now be listed for enrollment as a Cherokee Freedman, on a doubtful card,- and

Lula Lasley #

She will be notified at her post-office address of the action of the Commission.

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 12,1921.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 16 1901

ACTING CHAIRMAN.

B 7 D948

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 29 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 29. 1901

Post Office Chouteau I. T.

District ~~Coo~~ Tahlee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Lula Lasley Age 22

Owner's name ..... Citizenship .....

Year 1902 Page 164 No. 4049 District Coo

Parents:

Father Reuben Nave Citizenship .....

Mother Lillie Citizenship .....

Names of Children:

3. ~~John Lasley~~ Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Doubtful

Application made by No. 1 Stenographer W. P. Ellis

1 On Kld roll as Lillie Nave Tahlee

1 " Wallace " Page 132 " 2770 - Lillie - Nave - "

X Ref D. 945

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Lulu Lasley for enrollment as a Cherokee Freedman.

No. F. D. 948

Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D., 1901, he registered to Lulu Lasley whose postoffice is Chouteau Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Lulu Lasley, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 28th day of Sept. A. D. 1901.

J. C. Starr
Notary Public.

NOTICE!

IN THE MATTER OF the application of Lulu Lasley
for enrollment as Cherokee Freedmen:
Case No. F. D 948

To Lulu Lasley Choteau I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on ~~Oct.~~ ~~25th~~ 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 2 1901

R B Bell

B. N. Hastings

J. D. Davenport

Attorneys for the Cherokee Nation.

D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
2 1901

Acting Chairman

S.F.R - 34

1481

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Lasley, nee Neve, for enrollment as a Cherokee freedman.

SUPPLEMENTAL STATEMENT.

From an examination of the testimony and the evidence in this case, it is found that on the 4th day of April, 1901, Lewis Lasley, husband of the aforesaid applicant, made application for her enrollment; which application was denied, and she was listed for enrollment as a rejected freedman.

Upon further examination it is found that on the 29th day of June, 1901, Lula Lasley, nee Neve, made application in person and was listed by the examiner in the field, as a Cherokee freedman on a doubtful card.

In view of the facts hereinbefore stated, Lula Lasley, nee Neve, will now be listed in accordance with the judgment of the field examiner, on the 29th day of June 1901, on a doubtful card, and her enlistment as a Cherokee freedman on a rejected card is ordered cancelled, and the above transfer made, and it is so ordered.

Commissioner.

Dated at Muskogee, I. T.
this 25th day of February, 1903.

DEPARTMENT OF STATE
COMMUNISM TO THE CIVILIZED TRIBES
FILED
MAR 1922

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Carrie Hare, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Carrie Hare, et al., ... Cherokee Freedmen D. 191.
Lula Lesley, ... Cherokee Freedmen D. 240.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Carrie Hare, for herself, her minor children Lem, Ola P., Willie, Ella, Georgia, Hattie, Henrietta and Glen Hare, and her minor grandson Thurman Harey; and by Lewis Lesley for his wife Lula Lesley, among others. The other parties to his application being differently disposed of, are not embraced in this decision.

The evidence shows that the applicant, Carrie Hare, was the slave of a Cherokee citizen at the commencement of the rebellion, that she was taken to Kansas during the rebellion, but returned to the Cherokee Nation with her mother, Louisa French, prior to January 19, 1867. All the other applicants herein were born since 1866, and are the descendants of said Carrie Hare.

The evidence further shows that Lula Lesley has resided in the Cherokee Nation all her life; that Carrie Hare has resided in said Nation continuously since 1866, and it is considered that the said minor applicants have resided all their lives with the said Carrie Hare in the Cherokee Nation.

It is therefore the opinion of this Commission that Carrie Hare, Lem Hare, Ola P. Hare, Willie Hare, Ella Hare, Georgia Hare, Hattie Hare, Henrietta Hare, Glen Hare, Thurman Hare and Lula Lesley should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,
this WAR 8 1901

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Lula Lasley,
Chetopa, I. T.
Cherokee P-B-[illegible]
Register.

MAR 24 1902

Cherokee Freedmen
2943; 2949

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Carrie Reve, et al., granting the applications for the enrollment of Carrie, Lena, Osie V., Willie, Nila, Georgia, Mattie, Henrietta, Glen and Sherman Reve and Lula Langley as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-28

Commissioner in Charge.

Cherokee Freedmen
D-948.

Muskogee, Indian Territory, April 26, 1904.

Lewis Lasley,

Chouteau, Indian Territory.

Dear Sir :

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of your wife, Lula Lasley, as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-11.

Returned
unclaimed
Dont NOT Stay at Post
Office Where He Would
Has Not Been Here for
Get This
unclaimed Letter Write

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED

~~Lewis Lasley,~~

Choteau, ~~Indian Territory.~~

13 04

Gone from
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on [illegible]
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REGISTERED
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25
1902
MUSKOGEE, IND.

Department of the Interior
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

5122

Mrs. Lula Lasley,

Choteau, Indian Territory.

5.

REGISTRY RECEIPT

FT GIBSON, I.T.
SEP 21 1901

Post Office at

Registered ~~Letter~~ Parcel No. 13 Rec'd , 190

of

addressed to

Hubbard Room P. M.

Cher Fr 1316

Cher Fr 1316
See Cher Fr 1317-18-19-20-21-22
R 249

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 28th, 1901.

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs Mellette & Smith, for Applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have got got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand childre here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of 1880?
A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Watie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A We was enrolled.
Q Has he been enrolled by us? A No, sir. He can't come have to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

BY MR SMITH:

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I haven't got but three.
Q Who are they? A Charley, Nandy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you got a farm there? A I have had it fenced, we haven't out there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Barn long before the war.

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q How old is Louisa, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their names? A Jim, Emiline and Charley.
Q What has become of Jim and Emiline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you a slave before the war? A Yes, sir.
Q Whom did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right up Grand river.
Q Where were you living at the time the war came up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I come back after Abraham Lincoln got killed; come back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time?
A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney?
A I ain't been living at no other place.
Q This child, Frankie, you apply for is that a boy or girl?
A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived anywhere except the Cherokee Nation?
A No, sir, never did

BY COM'R MEREDITH:

Q What is the reason your husband isn't here? A He is paralyzed and could not walk.
Q Not able to come? A No, sir.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops? A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you come up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A [illegible] No one but her daughter.

Q What was her daughter's name? A Named Polly M ivens.
Q They were living together at that time? A Yes, si r.
Q Is she a witness in your case? A Yes, sir.
Q Did y ou have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she i s alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got i t down on your paper? (No response.)
Q Well, how how long di d you continue to reside there with Sallie Bacon? A I stayed there a year and half.
Q Now about what time of the year did you get there? A I came there in the fall.
Q I n the fall of '65 A Yes, sir.
Q What time did you leave there? A I left there in the Spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, si r.
Q Now, where did you go from there? A I went to Causy where I am living now.
Q Direct from there? A Yes, si r.
Q N ow, did you go with your husband out there to Causy?
A Yes, sir.
Q You and hi m continued to r eside there ever since have you?
A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes, sir.
Q Now lets get it right, you claim to have come there in the fall of '65, you stayed there a year and half? A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A N obody but t he Osages.
Q An y of the Delawares li ving out there at that time? A No, sir.
Q Did you an d your husband settle down at that time, you and Andy?
A Yes, sir.
Q And you continued to liv e together? A Yes, sir.
Q He never went off and you never went off? A He went off to work.
A After you moved up t here? A N o, sir.
Q He never left and you never? A No, si r.
Q That was in the spri ng of '67? A Yes, si r.
Q Now, about what direction from Bartlesvi lle was that, on Causy?
A North.
Q An d you continu ed to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been li ving up there when Tom was born? A About a ye ar and a half.
Q And you don't remember how many years old Tom i s? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you?
A I did.
Q Is she here? A She s dead.
Q Well, then ~~[illegible]~~ you living when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, si r.

BY COM'R KRADLE:

Q You say you didn't see Andy for about a year after you got to Fort Gibson ? A No, sir, he was i n the service.

Q Sold or? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q Been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson; before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney?
A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you ~~both~~ moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you a while ago the names of your children besides Frankie and you spoke of James, Henry and Charley and of Mandy and of Emeline and stated that Emeline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes, sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas a while ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis; Jonas ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived any where else except the Cherokee Nation?
A No, sir.
Q Where does Jonas live? A Cherokee Nation.
Q How about Martha Ann? A She ain't never lived no where else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COM'R KERMERLTS:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married?
A Yes, sir.
Q What was her name? A Nilsa Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage. A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you called up here know about this marriage of your son? A Lewis Daniels I guess know it.
Q Where were they married? A On Caney.
Q How long did they live together? A About eight or nine years.
Q Did they live together as man and wife? A Yes, sir.
Q In the house where you were living? A Yes, sir.
Q Did he ever any any other wife? A No, sir, not as I know of.
Q Did she have any other husband? A Not as I know of.
Q Did the people in the community call them husband and wife, regard them as husband and wife and receive them as husband and wife? A Yes, sir.

BY MR. HASTINGS:

Q Did she have any children before she married him? A No, sir.
Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and half before you moved up to Caney? A Well, we did.
Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.
Q About how long had you been at Fort Gibson until your husband come, or did he come first? A He come after he was mustered out and I don't know when he was mustered out.
Q I want to know about how long that was after he come up there?
A Little over a month.

L. D. DANIELS, being first duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name. A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q How long have you lived in the Cherokee Nation? A All my life
Q Are you a Freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.
Q How long have you known her? A I have knowed her ever since '65.
Q Did you see her in 1865? A I seen her sir.
Q Where? A Fort Gibson.
Q What time in '65? A It was in the fall.
Q State the circumstance of your seeing her? A Well, there was wagons come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.
Q How long did she remain in that settlement, do you know?
A Well, she remained there I guess a year of such a matter.
Q You don't know exactly how long she stayed? A No, because sometimes I would see her sometimes twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to draw rations I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over on Caney four miles above Bartlesville, north.
Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.
Q Do you know her children? A Well, she had three to Fort Gibson, two girls and a boy.
Q She had three you say? A Yes, sir, three.
Q Do you know how many she has had since that time?
A She has got a house full now, I haven't been to her house since '89 I was over there them and there was five I know was down with the chils them in '89.
Q You don't know how many there was that didn't have the chills?
A No, sir, there was a good many running about there.

Ibbi e Daniels, et al.--6.

Q Did you know Andy, her hu sband? A Andy Daniels, Yes, sir.
Q Do y ou know whether Andy was out of the Cherokee Nati on during the war? A Yes, sir, he belonged to the Second Regiment.
Q Do y ou know when he come back? A He come to Gibson after that, he come there and got this woman down there, I don 't know whether it was i n '67 or the latter part of '67.
Q Do you know when Andy was mustered out? A N o.
Q Do y ou know of your own personal knowledge when he came back to the Cherokee Nati on? A No, because I was living to Gibson and he wasn't mustered out there and I could not tell you waht time; he hit the other part of the Cherokee Nation.
Q Was I bbie a slave? A I didn't know the former owners at all.
Q You didn't get acquainted with her until '68? A Yes, sir, not u ntil to Gibson.

BY MR. HASTINGS:

Q When did you first see Andy Daniels after the war?
A I thin k it was in '67 o r either latter part of '66 when he c ame to Gibson.
Q And that is the t ime you seen him in Gibson after the war?
A Yes, si r, I seen him in the army.
Q With whom was thi s woman living down there when you knew her first after the war? A She come there every time she would come to get rations she would come with Isaac Crapo's wi fe.
Q What was her name? A I don 't know, claimed to be her mother.
Q Claimed to be whose mother? A This woman's mother.
Q You don't know whose house she stayd? A She stayed at her own house on the old Lake, about a mile from Houston Benge's.
Q You saw her three children at that time? A Yes, si r and Isaac had children there too.
Q What were the names of these hildren you saw at that time?
A I don't know, it was strange to see a Cherokee with a little white child and she had a white child at that time.
Q Well, how do you know that she continued to reside arou nd there at that time? A She stayed around there four or five months to my knowledge.
Q You wou ld see her about when she come and got her feet under the table to get r ations? A She come to t he old house the people applied to get the rations.
Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around t here four or five months.
Q To be positive about that? A Yes, si r.

Remainder of application t aken by Stenographer Chas. von Wei se.

---oooOOooo---

J. O. Rosson, being first duly sworn, states that as sten og- r apher to the Commission t the Five Civilized Tri bes, he correctly recorded the testimony and pr oceedings in t his case, an d that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to b efore me this 12th day of July, 190 1.

Commissi oner.

Continued from Stenographer J. O. Mosson.

Vinita, I. T. June 28th 1901.

In the matter of the application of Ebbie Daniels et al.

EASTER WILLIAMS called and sworn by Commissioner T. B. Weddle, testified as follows:

By Mr. Smith of counsel for applicant-

Q What is your name? A. Easter Williams.
Q Do you know this applicant, Ebbie Daniels? A. Yes sir, slightly acquainted with her for 25 years
Q Do you know where she lives? A. Yes sir.
Q Do you know her children? A. No sir.
Q Where has she been living since you knew her? A. On Caney
Q Do you know who her owners were during the war? A. Yes sir, Walker Merry, she said it was, I knowed some of them on Grand river.
Q Did you know her before the war? A. No sir.
Q Did you know her during the war? A No sir.
Q You dont know anything about her citizenship ? A No sir not personally.

By Mr. Hastings, Cherokee representative-
Q Did you see her in '68? A Just about 25 years ago.

By Mr. Hastings of the applicant

Q How far do you live for Jobe Parker? A. I dont kno.
Q Do you know him? A. Yes sir
Q But you dont know how far you live from him? A. No sir.
Q When did you see W. H. Foreman first after the war? A. At Fort Gibson
Q When was that? A I dont know.
Q Before you left there? A. Yes sir.
Q Was your husband there then? A. No sir he was in the army
Q What time of the yer was it? A. Cold weather, I dnt know the month.
Q And you dont know the year? A. No sir.
Q At what place was it? A. Right in town where I was hirled out.
Q At whose house? A. I dont know, I dont remeber the name.
Q You remeber seeing this man though? A. Yes sir.

William Foreman, called and sworn as a witness for the applicant-

By Mr. Smith-

Q What is your name? A. William Foreman.
Q What is your post office address? A. Wagoner.
Q What is your age? A. 64 years.
Q Are you an Indian? A. Yes sir.
Q A Cherokee Indian? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant, Ebbie Daniels? A. Yes sir.
Q Did you know her before the war? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Thomas Carrey.
Q Was he a citizen of the Cherokee Nation? A. Yes sir, by adoption his first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Muskrat.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation? A Yes sir.

Q How far did they live from you at the time of the war? A. I was living 30 miles north of their place when the war commenced.
Q He was here when the war commenced? A. Yes sir in Delaware district Cherokee Nation at Carrey's Prairie.
Q Do,you know if this applicant was taken out of the Cherokee Nation during the war? A. No sir I dont.
Q When did you first see her after the war in the Cherokee Nation? A. At Vinita before the Wallace court.
Q Did you testify for her there? A. I might have, I dont recollect, I think I did as to her owners.
Q Did you know her husband? A. Yes sir.
Q Was his name Andy? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Zeek Daniels.
Q Was Zeek Daniels a Cherokee citizen? A. Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the Civil war--Andy? A. I can tell, of my own knowledge.
Q When did you first see Andy back here after the war? A. At Vinita before the Wallace court.

By POLLY NIVENS, called and sworn as a witness for the applicant--

By Mr. Smith-

Q What is your name? A. Polly Nivens.
Q How old are you? A. 56.
Q Do you know this applicant here? A. Yes sir.
Q When didyou first get acquainted with her? A. Just after peace was made I met her.
Q You didnt know her before the war? A. No sir.
Q You dont know who she belonged to? A No sir.
Q Where did you first see her afterthe war? A At Fot Gibson.
Q How long after peace was declared? A In the fall, peace was declard in the summer and she came in the fall, the first fall after peace.
Q How long did she stay around there? A. I guessshe staid here a litm over a year, I seed her around there about that long
Q Did you know her after that when she went up on Caney to live? A. No sir.
Q Never have been at her house on Caney? A. No sir.

By Hastings-

Q Who did she live with at Fort Gibson? A. Her husband was a soldier when I saw her she lived in a little log house and a a white girl, yellow girl, it was here though.
Q How far from where you lived? A. I was in town and my grandmother lived at the lake and she lived close to my grandmother, closed to town than my grand mother did.
Q What name did she go by then? A. Carrye.
Q Was she married then? A. I dont know; she said when she came there that her husband was in the army.
Q How long after that before you saw her husband? A. I dont remember, didn't pay no attention to him,no I didn't.
Q You dont remember him? A. Yes sir, but I dont know how long after that that I seed him
Q How many children did she have there? A. Only that white one.
Q Was that a girl or a boy? A. Girl
Q Do you know Sallie Bacon? A Yes sir that is my grand mother.
Q Did she live in town? A. She lived at the lake,this side of Gorman

Vann's
Q And this woman lived down there close? A. Yes sir.

By Commission of applicant-

Q Did you ever draw money for Martha? A Yes sir.
Q Did you draw your strip money? A. No sir.

Applicant not found on the authenticated roll of 1880

Applicant not found on the Census roll of 1896.

Applicant not found on the Kern Clifton rill.

Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2360 Andrew Daniels, Cherokee Nation.
Page 111 No. 2561 Ebbie Daniels, " "

Kern Clifton roll examined and the name of applicants child found as follows-
Page 124 No. 3085, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to haveyou name put on the 1880 roll? A. Yes sir,
Q Where did you apply? A. At Claremore.
Q That was when they was around taking the census? A. Yes sir.
Q You never went to Tahlequah to have it done? A. No sir.
Q Did your husband? A. No sir.
Q You didn't get your strip money for yourself or husband? A. No sir only forthe children, me and the old man and Lewis was left out.
Q Is Martha living? A. Yes sir.

Kern Clifton roll examined and the applicants child Martha identified as follows-
Page 124 No. 3084 Martha Daniels, Delaware district.

By Com'r Needles,-

Ebbie Daniels applies for herself, her husband Andy one son Frank, andfor a grand daughter Martha, 12 years of age. The said Ebbie and Andy Daniels are not identified on any roll exept the Wallace roll; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She avers that she and her husband were slaves is the Cherokee Nation and went out of theCherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Ebbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and shewill be notified by mail of the final decission of the Commission.

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FILED
JUL 13 1901
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 9th of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901

B 350859

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25 1901

Post Office Denver I. T.

District Coo

1. Name Andrew Daniels Age

Owner's name Andrew.

Citizenship

Year Wallace Page 111 No. 2360 District ~~Cook~~, Cher. Nation

Parents:

Father ~~[illegible]~~ Citizenship

Mother Citizenship

2. Name of wife Ebbie Daniels Age 60

Owner's name Thos. Carey Citizenship Cherokee

Year Wallace Page 111 No. 2361 District Cher. Nation

Parents:

Father Thos. Watie — dead Citizenship

Mother Peggy Vann — dead Citizenship

Names of Children:

3. Frank ~~[illegible]~~ Daniels Year K6, Page ~~[illegible]~~ No. ~~[illegible]~~ Dist. ~~Cook~~ 17

4. Martha A " Year " Page 124 No. 3084 Dist. Del. 12

5. Year Page No. Dist.

6. Year Parents dead No dead — C. F.

7. Year " Page No. dead 45, Col.

8. Year Page No. Dist

9. Year ~~Page~~ ~~No~~ Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 2

Stenographer J. C. Rosson and Chas. von Weise

2 On Wallace roll as Ebbie Daniels

4 " K6 Roll as Martha "

~~4 Proof of marriage to~~

4, Proof of marriage between parents to be supplied.

Represented by Willette and Smith,

6 F.D 859.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Andrew Daniels for enrollment as a Cherokee Freedman:

Case No. F. D. 659

To Andrew Daniels or Melette & Smith

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on the following dates, to-wit: Oct. 1st at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 1901 day of [illegible], 1901.

R B Bell

Service of above notice accepted 9-13-01 Mellette & Smith Attys

Attorneys for the Cherokee Nation.

42

42 854

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 26, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Nelia Daniels for enrollment as Cherokee Freedmen.

Marietta Tinsley
Atty for applicants

Cherokee Freedmen #10857

File with Andrew Daniels, C. R. D 859

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 2d, 1901.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. R. D 859

W. W. Hastings attorney for the Cherokee Nation.
Wallace & Smith attorneys for the applicants.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 33 and 4.
Q What is your post office? A Baldonia.
(By Hastings)
Q How far do you live from the town of Dewey? A About 7 miles north
Q Do you know a colored man in the vicinity named Andrew Daniels? A Yes sir.
Q Do you know his wife? A No sir, I don't.
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in that vicinity? A Ever since the Delawares came there.
Q What year did the Delawares come there? A In '68.
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families come first; the first ones that started they stopped here on Grand river, and I come with them, we stopped with the Wyandotts first and then come on.
Q About what time did you leave Kansas? A Went through Lawrence Kandas on the first day of January '68.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you come to see him? A I and another boy got on our horses and went visiting and we run on to the camps there on Caney and saw him.
Q Whose camps? A The Delawares camps.
Q How far was that from where this Andrew Daniels is now living? A A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you came to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A Must have been about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q Where did you come from the the Cherokee Nation? A Kansas.
Q Near wat place in Kansas, now? A We lived to live 2 or 3 miles north east of Lawrence.
Q You didn't come here when the regular band of Delawares came? A c sir we came before and stopped at the Wyandotte reservation and staid all winter.
Q You stated that you knew Andrew Daniels in Kansas? A Yes sir.
Q Can you give the year that you knew him in Kansas? A It must have been about '65 we was working in the hay field when I saw him first.
Q Did you ever see him any more after '65? A Yes sir.
Q Where? A He was working not far from where I lived, working for old man Sarcoxie.
Q How long after that before you next saw him? A Must have been about a year.
Q How long had it been since you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Natior you say in '68 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.

(By Hastings)

Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left up there about the first of '68? A I cant tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left there had you seen him? A I dont remember that
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and came down here? A No sir I dont know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.

(By the Commission)

Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1868? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection of meeting him from '65 until you left in 1868? A No sir I never paid any attention to the fellow, the way I got acquainted with him was in the hay field in '65 or '6.
Q Have your any recollection of seeing him from that time until '68? A No sir.
Q If he was living in your neighborhood then you dont recollect it? A No sir.

(Continued by stenographer Bruce C. Jones)

* * * * * * *

Chas. von Weise, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

(Chas. von Weise)

Subscribed and sworn to before me this the 4th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows; through Joe B. Parker, interpreter:

Q Give me your full name please? A John Young.
Q How old are you? A About 58.
Q What is your postoffice? A Welden.
Q Are you a ntive of the Cherokee Nation? A Yes. sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.

Mr. Hastings: How far do you live from the town of Dewey? A About six miles.

Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
Q Did you come with the Delawares when they came to this country? A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
Q What camp? A A little west of Lawrence.
Q Kansas? A Yes, sir.
Q Then what became of Andrew Daniels? A He came down with them.
Q Came down with the Delawares? A Yes, sir.
Q Where did he come to? A Here on Caney, Cherokee Nation.
Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
Q That is Andrew Daniels? A Yes.
Q How long did he stay up there, or way away? A I don't know how long he was gone, but he went after his family up there in Kansas.
Q When he came back did he have his family? A Yes, he had his family.
Q Well, have you known him here then ever since? A Yes.
Q Well, he has a wife and some children, has he? A Yes.

Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know the exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '67.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning; when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do y u know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Did that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you know anything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pecharcki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time?

A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometimes along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked mostly [illegible] all winter

right close to where I lived making ties.
Q It was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q Let's understand that: you came down here along in June?
A Yes, sir.
Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Beaubrecki hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edmund Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Near where you live now? A Right near where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home; I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '63, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I can't tell you just exactly, about 20 years ago, or so.
Q Directly after the war? A Just after the war two or three years.
Q Now then you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '63, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Fort Smith.

Q Did he have any colored people with him? A No, sir.
Q Did your father remain there in Fort Smith? A No, he went on back up o Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet..
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over there on Grand Giver, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewheres about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith: was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
Q You see any other members of your father's family there? A No, sir
Q How long had your father been in Fort Smith at the time you saw him? A He has been there a week or two.
Q That was June, 1863? A June, 1863, as well as I recolledt.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or [illegible] of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and him and his darkies went together, and me, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from June of '63, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any Slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al: and also in Cherokee Freedman Doubtful cases D-913, D-915, D-931, D-963, D-963, and D-971.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

R

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28, 1901.

In the matter of the application of Ibbie Daniels for the enrollment of two children, THOMAS & JOSEPHINE DANIELS, as Cherokee Freedmen; being sworn by Commissioner Needles, and examined by the Commission she testified as follows:

Q What is your name? A Ibbie Daniels.
Q What is your age? A I don't know exactly how old I am.
Q About how old? A I guess about 34.
Q You are older than 34? A You reckon? Well, I don't know.
Q Are you 50 or 54? A I expect.
Q How old is your oldest child? A I don't know.
Q Is it a man grown or a woman grown? A Oh she is married.
Q What is your post-office? A Dewey.
Q What district are you living in? A Cooweescoowee.
Q Who do you want to enroll now? A I just want to enroll 2 children, Thomas.
Q How old is Thomas, about how old? A I couldn't tell exactly how old he is.
Q Is he over 21? A No sir.
Q About 19? A Yes sir.
Q His name Thomas Daniels? A Yes sir.
Q What is the name of the other child? A Josephine Daniels.
Q How old is Josephine? A She is 18.
Q Are these children both living with you? A Yes sir, raised at home.
Q At Dewey? A Yes sir.
Q Who is the father of the children? A Andy Daniels.
Q Is he living? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Are these children upon any of the Cherokee rolls? A Yes sir.
Q What rolls? A On the 1880 roll.
Q No, these children, did you draw money for these children? A Yes sir, I drawed money for these children.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 111 #2361 Ibbie Daniels, "No district."

BY MR. L.B.HELL, Cherokee Representative:

Q You would have put these children down before unless they had been too old; Colonel Needles told you to let them enroll themselves? A No. ~~Mr~~ Thomas is not sound in his mind.

BY COMMISSION:

Q Why didn't you apply for these 2 children the other day to be enrolled? A I thought they had them on.
Q You simply applied for Frank and Martha last week? A Frank and Martha and Thomas and Lucinda I said.
Q Josephine ever been married? A No sir; I haven't got but two grand children married.
Q ~~How old are these two children that are married?~~ A I don't know how old they is, there is one of them right there, you can see for yourself. (Points to negro standing near.)

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's children identified on
page 186 #4536 Tom Daniels, Cooweescoowee District;

Ibbie Daniels for 2 children 2

page 124 #3082 Josephine Daniels, Delaware District, given as 20 years old.

Q Did you draw money for Tom on the Kern-Clifton payment in 1896?
A Yes sir.

Wallace roll of citizens of the Cherokee Nation examined and Thomas Daniels identified on
page 111 #2363 Thomas Daniels, "No district."
Wallace roll page 111 #2366 Josephine Daniels, "No district."

MR. L.B.BELL, Cherokee Rep've, waives examination.

Commission: Ibbie Daniels applies for the enrollment of two children, Thomas and Josephine Daniels as Freedmen of the Cherokee Nation; said Ibbie Daniels is not identified upon the authenticated roll of 1880 or the census roll of 1896; she is, however, identified upon the Wallace roll; her 2 children, Thomas and Josephine are identified upon the Kern-Clifton and the Wallace rolls; they will be listed for enrollment as Cherokee Freedmen on a doubtful card, and reference is made to the testimony which was taken in the matter of the application of Ibbie Daniels for the enrollment as a Cherokee Freedman, on D card 859, and the testimony filed in said case will be made a part of the record in the case at bar.

----***----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 11, 1901.

Commissioner.

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supposed

.N.C.U

Communication to the Executive Chairman, Board of Directors, Civil Defense Authority

[illegible] case [illegible] [illegible] [illegible]

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lucinda Daniels, D 913;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired..

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17208, filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ibbie Daniels, D 859;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had become a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) M. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Freed D 660

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Daniels, D 965;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moved that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Encl of 383 80-859

IN RE
THE DEATH OF

Andrew Daniels

a citizen of the

Cherokee Nation.

Approved July 15 1903

C. R. Breathitt
Commissioner

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 15 1903

CHAIRMAN

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Andrew Daniels
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Dewey (Here insert name of post office), Ind. Ter., and died on the _____ day of

April, 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Obbie Daniels, on oath state that I am 62 years of age and a citizen, by Adoption, of the Cherokee Nation; that my post office address is Dewey (Here insert name of post office), Ind. Ter.; that I am the Wife (State relationship as the father, an uncle, a cousin, etc.) of Andrew Daniels (Here insert name of deceased), who was a citizen, by Adoption, of the Cherokee Nation; and that said Andrew Daniels (Here insert name of deceased) died on the ____ day of April, 1902.

Obbie her X mark Daniels

WITNESSES TO MARK: (Must be Two Witnesses)

Lacie Burgwardt

Jas R Gibson

Subscribed and sworn to before me this 15th day of July 1903.

John O Rosson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Fred B. Woodard, on oath state that I am 32 years of age, and a citizen, by _____, of the U. S. ~~Nation~~; that my post office address is Dewey (Here insert name of post office), Ind. Ter.; that I was personally acquainted with Andrew Daniels (Here insert name of deceased) who was a citizen by Adoption, of the Cherokee Nation; and that said Andrew Daniels (Here insert name of deceased) died on the ____ day of April, 1902.

Fred B Woodard

WITNESSES TO MARK: (Must be Two Witnesses)

Subscribed and sworn to before me this 15th day of July 1903

John O Rosson
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of

Andrew Daniels, et al.,..	Cherokee	Freedmen	D 859
Nancy Claggett, et al.,..	"	"	D 912
Lucinda Daniels,.....	"	"	D 913
Thomas Daniels, et al.,..	"	"	D 931
Lewis Daniels,.....	"	"	D 962
Charles Daniels,.....	"	"	D 963
Jonas Daniels,.....	"	"	D 971

D E C I S I O N.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph are the descendants of said Ibbie Daniels and were born since 1866.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett, Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephine Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 190

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Andrew Daniels,
Dewey, I. T.
Cherokee -F-D-858.
Register.

Cherokee Freedmen
D859; D912; D913;
D971.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and Jonas Daniels and Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee Freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-21

Commissioner in Charge.

Cherokee Freedmen
D-859.

Muskogee, Indian Territory, April 26, 1904.

Ibbie Daniels,

Dewey, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself, your child, Frank Daniels, and your grandchild, Martha A. Daniels, as Cherokee freedmen, and dismissing your application for the enrollment of your husband, Andrew Daniels, as a Cherokee freedman, he having died in April, 1902.

Respectfully,

Register

Chairman.

Enc. D-12.

Cherokee Freedmen
D-859 et al.

Muskogee, Indian Territory, April 26, 1904.

Edgar Smith,

Attorney for Ibbie Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ibbie Daniels et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis and Charles Daniels, Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

Respectfully,

Register

Chairman.

Enc. D-19.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 23, 1904.

Frank Daniels,

Tahlequah, Indian Territory .

Dear Sir:

The Commission is in receipt of your letter of September 15, 1904, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission rendered a decision granting your application for enrollment as a Cherokee freedman, on March 5, 1904. You are further advised that your name has not yet been placed upon the final schedule of Cherokee freedmen to be forwarded to the Secretary of the Interior for his approval, but such action will probably be taken in the near future.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

No. 1216.

Muskogee, Indian Territory, May 20, 1905.

Frank Daniels,

Dewey, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 5, 1905, asking to be advised as to your age as it appears upon the records of the Commission.

In reply you are advised that on June 26, 1901, application was made for your enrollment as a Cherokee freedman, your age being given at that time as 17 years.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
1518.

Muskogee, Indian Territory, June 27, 1908.

Martha A. Daniels,

Dewey, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of June 20, 1908, asking to be advised as to your age as shown upon the Commission's records.

In reply you are advised that application was made for your enrollment as a Cherokee Freedman on June 26, 1901, your age being given as twelve years at that time.

Respectfully,

Tams Bixby.
Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.



Frank Daniels,

Tahlequah, Indian Territory.

Cher Fr 1317

see Cher Fr 1316; R249

Cher Fr 1317

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Nancy Claggett for the enrollment of herself and seven children as Cherokee Freedmen and for the enrollment of her husband as a Cherokee Freedman by Intermarriage; said Claggett being sworn and examined by Commission T.B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, For Applicants.
Mr. J. S. Davenport, For Cherokee Nation.

Q What is your name? A Nancy Claggett.
Q How old are you? A 30.
Q What is your post office? A Nowata.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My children and my husband.
Q What is your husband's name? A John Claggett.
Q How old is he? A I don't know.
Q About how old, Mrs. Claggett? A 40 I suppose.
Q How many children have you? A Seven.
Q All under age and unmarried? A All under age.
Q Give me the names? A Willie.
Q How old is he? A 14.
Q The next one? A Elizabeth Claggett.
Q How old is Elizabeth? A 12.
Q The next one? A Isabelle Claggett.
Q How old is Isabelle? A Ten.
Q The next one? A Mariah.
Q How old is Mariah? A Seven.
Q The next one? A Alexander.
Q How old is Alexander? A Five.
Q The next one? A Nancy Jane.
Q How old is Nancy? A One year old.
Q Is that all? A Josie May.
Q How old is Josie? A She is three years old.
Q Are these children all living at this time? A Yes sir.
Q All living with you? A Yes sir.

BY MR. SMITH:

Q Nancy have you got a certificate of your marriage to your husband? A Yes sir.

Mr. Smith: If the Court please I desire to offer a license issued by the Cherokee Nation authorizing the marriage, by William V. Carey, Clerk of Coowescoowee District of the Cherokee Nation, authorizing the marriage of John Claggett, a citizen of the United States, to Nancy Jane Daniel, a citizen of the Cherokee Nation.

Mr. Davenport: The Representatives of the Cherokee Nation object to the introduction of said license for the reason that there is no law authorizing the issuance of a license to a citizen of the United States to marry a citizen Freedmen of the Cherokee Nation, and if the Clerk violates the law in issuing a license to a non-citizen it does not tend to prove that a non-citizen can acquire the rights of citizenship by Intermarriage.

Com'r Needles: The license will be filed.

Mr. Smith: If the Court please I desire to offer the marriage certificates.

Com'r Needles: The applicant offers a marriage certificate certifying that John Claggett, of Butler County, Kansas, and Hannah J. Daniels, a citizen of the Cherokee Nation, were married on the 23d day of August, 1886; the certificate signed by Reverend Samuel Webber. The certificate and marriage license will be filed:

BY MR. SMITH:

Q Where do you live now, Mrs. Claggett? A I live north of Nowata.
Q How far from Nowata? A Three miles.
Q How long have you been living there? A I have been living there about 15 years.
Q Have you a farm there? A Yes sir.
Q How long have you had it? A Ever since we have been married; we made it after we married.
Q Where did you live before you married? A I lived out here to Bartlesville, 25 miles west of here.
Q In there Cherokee Nation? A Yes sir.
Q With whom did you live? A With Mrs. Daniels, my mother.
Q What is her name? A Ibbie Daniels.
Q How old are you? A 30.
Q Has your mother applied for enrollment here before this Commission? A Yes sir.
Q Were you here when she applied? A Yes sir; I was here.
Q What brothers and sisters have you who are grown? A Well, the oldest one is Charley Daniels and the next one is Thomas Daniels.
Q And who is the next one? A The oldest one is Lucinda Daniels.
Q And the next one? A Lewis Daniels and Jonas Daniels and Josephine Daniels.
Q That brings it down to the minor children of your mother, that she applied for does it? A Yes sir.

BY COM'R NEEDLES:

Q What is your father's name? A Andy Daniels.
Q He is living? A Yes sir.
Q And what is your mother's name? A Ibbie.
Q Have you lived in the Cherokee Nation ever since you married?
A Yes sir.
Q Were these children all born in the Cherokee Nation?
A Yes sir.
Q All living at this time? A Yes sir.

BY MR. DAVENPORT:

Q You were married in the Cherokee Nation were you? A Yes sir.

BY MR. SMITH:

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir we ought to be on the roll.
Q Are you on the Kern-Clifton roll? A Yes sir.
Q Did you draw money? A Yes sir.

The 1880 Authenticated and 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants found thereon as follows:

Page 124, #3085, Willie Claggett, Delaware District.
Page 124, #3086, Lizzie Claggett, Delaware District.
Page 124, #3087, Isabell Claggett, Delaware District.
Page 124, #3088, Maria Claggett, Delaware District.
Page 124, #3089, Nancy Claggett, Delaware District.

BY COM'R NEEDLES: You didn't draw for John, your husband?
A No sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 108, #2299, Nancy Claggett, Cooweescoowee District.

JOHN CLAGGETT, being duly sworn by Commissioner T. B. Needles, testified as follows:
BY MR. W. W. HASTINGS, Cherokee Reprdsentative:

Q What is your name? A John Claggett.
Q What is your age? A Be 48 years old 28th day of this month.
Q When did you come to this country? A I come here in 1880.
Q Where were you first married? A Up here on California Creek.
Q Is this your first wife? A Yes sir.
Q You were never married before? A No sir.

NANCY CLAGGETT, the Applicant, recalled: BY MR. HASTINGS:

Q Were you ever married before? A No sir, first time.

BY MR. DAVENPORT: I want to offer a certified copy of a decision of the Supreme Court of the Cherokee Nation regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation, rendered June 21, 1871.

BY MR. HASTINGS:
Q Did you ever have a child before you married this man? A No sir.
Q All the children were born since your marriage? A Yes sir.

BY MR. SMITH: The Applicant objects to the introduction of the evidence offered for the reason that it is incompetent, immaterial and irrelavent.

Com'r Needles: This will be filed and objections noted.

COM'R NEEDLES: Nancy Claggett applies for the enrollment of herself and seven children as Cherokee Freedmen and also applies for the enrollment of her husband as a Cherokee Freedman by Intermarriage. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but is identified upon the Kern-Clifton roll and Wallace roll. Her four oldest children are also identified upon the Kern-Clifton roll. The names of her three younger children are not found upon any of the rolls and it will be necessary for her to make satisfactory proof as to their birth. She avers that she is a child of Andy and Ibbie Daniels, she claims her citizenship through her mother and the testimony taken in the matter of the application of Ibbie Daniels on doubtful card #859, will be made part of the record in t e case at bar and a copy of said testimony will be filed herewith. The said Nancy Claggett and her children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. Applicant presents a duly authenticated marriage license issued by the authorities of the Cherokee Nation authorizing the marriage of herself and John Claggett, and also a certificate of marriage, on the 23d day of August, 1889, and that they have been living together as man and wife from that date until the present time, and the said children for whom applicant applies is the result of said marriage between herself and John. Satisfactory proof has been made as to the residence of John Claggett and he will now be listed for enrollment as a Cherokee Freedman by Intermarriage upon a doubtful card. Said Nancy Claggett will be duly notified by mail of the action of the Commission when the same is acted upon by the Commission.

Nancy Claggett, et al.--4.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 15th, July, 1901.

(Signed) T. B. Needles.
Commissioner.

ENDORSEMENT:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
JUL 18 1901
Tams Bixby, Acting Chairman.

B 3912

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 27 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27, 1901

Post Office Nowata I.T.

District

1. Name John Baggett Age 48

Owner's name " Citizenship

Year Page No. District

Parents:

Father Andy Daniels Citizenship

Mother [illegible] Citizenship

2. Name of wife Nancy Baggett Age 36

Owner's name " Citizenship

Year 1896 Page 124 No. 3089 District Del

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

Names of Children:

3. Lizzie Baggett Year 1896 Page 124 No. 3085 Dist. Del 14
4. Elizabeth " Year " Page 124 No. 3086 Dist. " 12
5. Isabell " Year " Page 124 No. 3087 Dist. " 10
6. Mariah " Year " Page 124 No. 3088 Dist. " 7
7. Alexander " Year ~~Page~~ ~~No.~~ ~~Dist.~~ ~~6~~
8. Nancy " Year ~~Page~~ ~~No.~~ ~~Dist.~~ ~~1~~
9. Josiah " Year ~~Page~~ ~~No.~~ ~~Dist.~~ ~~2~~
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

1 On Wallace roll, Page [illegible] No. 2290
4 On Del. roll as Lizzie Baggett
6, 7, 8 and 9, Birth certificates to be furnished.

[illegible]

CHEROKEE FREEDMAN. 2912

20

IN RE

Application for Enrollment of

INFANT CHILD

Alexander Blaylock

as a citizen of

CHEROKEE Nation.

Approved, JUN 28 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

ACTING CLERK.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Alexander blaggett, born on the 28 day of October, 1895

(Here insert name of child)

Name of Father: John blaggett, a citizen of the U.S. ~~Nation.~~

Name of Mother: Nancy blaggett, a citizen of the Cherokee Nation.

Post-office, Nowata I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Nancy blaggett, on oath state that I am 30 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of John Blaggett, who is a citizen, by ~~blood~~, of the U.S. ~~Nation~~; that a male (male or female) child was born to me on the 28 day of October, 1895, that said child has been named Alexander blaggett, and is now living.

her
Nancy × Blaggett
mark

WITNESSES TO MARK:

(Must be Two Witnesses) Ruth blaggett
Henry Peck

Subscribed and sworn to before me this 28 *day of* June 190 1

Louis F. Brown

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Ruth Blaggett, a midwife, on oath state that I attended on Mrs. Nancy Blaggett, wife of John Blaggett, on the 28 day of October, 1895, that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Alexander blaggett.

Ruth blaggett

WITNESSES TO MARK.

(Must be Two Witnesses)

Subscribed and sworn to before me this 28 *day of* June 190 1

Louis F Brown

NOTARY PUBLIC

CHEROKEE FREEDMAN. 2912

20

IN RE

Application for Enrollment of

INFANT CHILD

Josie M. Delaugette.

as a citizen of

[redacted] Nation.

JUN 28 1901

Approved, 190..

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

ACTING CLERK.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation.

of Josie M. Claggett, born on the 11 day of July, 1898

(Here insert name of child)

Name of Father: John Claggett, a citizen of the U. S. Nation.

Name of Mother: Nancy Claggett, a citizen of the Cherokee Nation.

Post-office, Nowata I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Nancy Claggett, on oath state that I am 30 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of John Claggett, who is a citizen, by adoption, of the Cherokee Nation; that a female (male or female) child was born to me on the 11 day of July, 1898; that said child has been named Josie M. Claggett, and is now living.

her
Nancy × Claggett
mark

WITNESSES TO MARK:

(Must be Two Witnesses) Ruth Claggett
Henry Polk

Subscribed and sworn to before me this 28 *day of* June, 1901

Louis G. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Ruth Claggett, a midwife, on oath state that I attended on Mrs. Nancy Claggett, wife of John Claggett, on the 11 day of July, 1898, that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Josie M. Claggett.

Ruth Claggett

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 28 *day of* June, 1901

Louis G. Brown
NOTARY PUBLIC

CHEROKEE FREEDMAN 2912

20

IN RE

Application for Enrollment of

INFANT CHILD

Nancy J Blaylock

as a citizen of

[redacted] Nation.

JUN 28 1901

Approved, 190

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,
of Nancy J blaggett (Here insert name of child) born on the 17 day of April, 1900
Name of Father: John blaggett, a citizen of the U S. Nation.
Name of Mother: Nancy blaggett, a citizen of the blue Cherokee Nation.
Post-office. Nowata I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Nancy blaggett, on oath state that I am 30 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of John Claggett, who is a citizen, by ——, of the United States Nation; that a female child was born to me on the 17 day of April, 1900; that said child has been named Nancy J blaggett, and is now living.

her
Nancy X Claggett
mark

WITNESSED TO MARK:

(Must be Two Witnesses)
Ruth blaggett
Henry Pack

Subscribed and sworn to before me this 28 *day of* April, 1900.

Louis T. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Ruth Claggett, a midwife on oath state that I attended on Mrs. Nancy Claggett, wife of John Claggett, on the 17 day of April, 1900; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Nancy J blaggett

WITNESSED TO MARK.

Ruth blaggett

(Must be Two Witnesses)

Subscribed and sworn to before me this 28 *day of* June, 1900.

Louis T. Brown
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 27th, 1901.

In the matter of the application of Nancy Claggett for the enrollment of herself and seven children as Cherokee Freedmen and for the enrollment of her husband as a Cherokee Freedman by Intermarriage; said Claggett being sworn and examined by Commissioner T.B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, For Applicants.
Mr. J. S. Davenport, For Cherokee Nation.

Q What is your name? A Nancy Claggett.
Q How old are you? A 30.
Q What is your post office? A Nowata.
Q What district do you live in? A Coowescoowe.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children and my husband.
Q What is your husband's name? A John Claggett.
Q How old is he? A I don't know.
Q About how old, Mrs. Claggett? A 40 I suppose.
Q How many children have you? A Seven.
Q All under age and unmarried? A All under age.
Q Give me the names? A Willie.
Q How old is he? A 14.
Q The next one? A Elizabeth Claggett.
Q How old is Elizabeth? A 12.
Q The next one? A Isabelle Claggett.
Q How old is Isabelle? A Ten.
Q The next one? A Mariah.
Q How old is Mariah? A Seven.
Q The next one? A Alexander.
Q How old is Alexander? A Five.
Q The next one? A Nancy Jane.
Q How old is Nancy? A One years old.
Q Is that all? A Josie May.
Q How old is Josie? A She is three years old.
Q Are these children all living at this time? A Yes, sir.
Q All living with you? A Yes, sir.

BY MR. SMITH:

Q Nancy have you got a certificate of your marriage to your husband? A Yes, sir.

Mr. Smith: If the Court please I desire to offer a license issued by the Cherokee Nation authorizing the marriage, by William V. Carey, Clerk of Coowescoowe District of the Cherokee Nation, authorizing the marriage of John Claggett, a citizen of the United States, to Nancy Jane Daniel, a citizen of the Cherokee Nation.

Mr. Davenport: The Representatives of the Cherokee Nation object to the introduction of said li cense for the reason that there is no law authorizing the issuance of a license to a citizen of the United States to marry a citizen Freedman of the Cherokee Nation, an d if the Clerk violates the law in issuing a li cense to a non-citizen it does not tend to prove that a non-citizen can acquire the rights of citizenship by Intermarriage.

Com'r Needles: The license will be filed.

Mr. Smith: If the Court please I desire to offer the marriage certificates.

Nancy Claggett.et al.--#.

Com'r Needles: The applicant offers a marriage certificate certifying that John Claggett, of Butler County, Kansas, and Hannah J. Daniels, a citizen of the Cherokee Nation were married on the 2nd day of August, 1896; the certificate signed by Reverend Samuel Webber. The certificate and marriage license will be filed:

BY MR. SMITH:

Q Where do you li ve now, Mrs. Claggett? A I live north of Nowata.
Q How far from Nowata? A Three miles.
Q How long have you been living there? A I have been living there about 15 years.
Q Have you a farm there? A Yes, sir.
Q How long have you had it? A Ever since we have been married; we add it after we married.
Q Where did you live before you married? A I lived out here to Bartlesville, 25 miles west of here.
Q In there Cherokee Nation? A Yes, sir.
Q With whom did you live? A With Mrs. Daniels, my mother.
Q What is her name? A Tbbie Daniels.
Q How old are you? A 30.
Q Has your mother applied for enrollment here before thi s Com - mission? A Yes, sir.
Q Were you here when she applied? A Yes, sir; I was here.
Q What brothers and sisters have you who are grown? A Well, the eldest one is Charley Daniels and the next one is Thomas Daniels.
Q And who is the next one? A The eldest one is Lucinda Daniels
Q And the next one? A Lewis Daniels and Jonas Daniels and Josephine Daniels.
Q Q That brings it down to the minor children with your mother, that she applied for does it? A Yes, sir.

BY COM'R KENDRICK:

Q What is your father's name? A Andy Daniels.
Q He is living? A Yes, sir.
Q And what is your mother's name? A Ibbie.
Q Have you lived in the Cherokee Nation ever since you married? A Yes, sir.
Q Were these children all born in the Cherokee Nation? A Yes, sir.
Q All living at this time? A es, sir.

BY MR. DAVENPORT:

Q You were married in t he Cherokee Nation were you? A Yes, sir.

BY MR. SMITH:

Q Are ou on my of the rolls of the Cherokee Nation? A Yes, sir we ought to be on the roll.
Q Are you on the Kern-Clifton roll? A Yes, sir.
Q Did you draw money? A Yes, sir.

The 1880 Authenticated and 1896 census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants found thereon as follows:
Page 124, #3068, Willie Claggett, Delaware District.
Page 124, #3069, Lizzie Claggett, Delaware District.
Page 124, #3067, Isabell Claggett, Delaware District.
Page 124, #3066, Maria Claggett, Delaware District.
Page 124, #3070, Nancy Claggett, Delaware District.

BY COM'R KENDRICK: You didn't draw for John, your husband?
A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 128, #3070, Nancy Claggett, Cooweescoowee District.

JOHN CLAGGETT, being duly sworn by Commissioner T. B. Needles, testified as follows:
BY MR. W. W. HASTINGS, Cherokee Representative:

Q What is your name? A John Claggett.
Q What is your age? A He 46 years old 29th day of this month.
Q When did you come to this country? A I came here in 1860.
Q Where were you first married? A Up here on California Creek.
Q Is this your first wife? A Yes, sir.
Q You were never married before? A No, sir.

NANCY CLAGGETT, the Applicant, recalled: BY MR. HASTINGS:

Q Were you ever married before? A No, sir, first time.

BY MR. DAVENPORT: I want to offer a certified copy of a decision of the Supreme Court of the Cherokee Nation regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation, rendered June 21, 1871.

BY MR. HASTINGS:
Q Did you ever have a child before you married this man? A No, sir.
Q All the children were born since your marriage? A Yes, sir.

BY MR. SMITH: The Applicant objects to the introduction of the evidence offered for the reason that it is incompetent, immaterial and irrelevant.

Com'r Needles: This will be filed and objections noted.

COM'R NEEDLES: Nancy Claggett applies for the enrollment of herself and seven children as Cherokee Freedmen and also applies for the enrollment of her husband as a Cherokee Freedman by Intermarriage. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but is identified upon the Kern-Clifton roll and Wallace roll. Her four eldest children are also identified upon the Kern-Clifton roll. The names of her three younger children are not found upon any of the rolls and it will be necessary for her to make satisfactory proof as to their birth. She avers that she is a child of Andy and Ibbie Daniels, she claims her citizenship through her mother and the testimony taken in the matter of the application of Ibbie Daniels on doubtful card #669, will be made part of the record in the case at bar and a copy of said testimony will be filed herewith. The said Nancy Claggett and her children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. Applicant presents a duly authenticated marriage license issued by the authorities of the Cherokee Nation authorizing the marriage of herself and John Claggett and also a certificate of marriage, on the 23d day of August, 1869, and that they have been living together as man and wife from that date until the present time, and the said children for whom applicant applies is the result of said marriage between herself and John. Satisfactory proof has been made as to the residence of John Claggett and he will now be listed for enrollment as a Cherokee Freedman by Intermarriage upon a doubtful card. Said Nancy Claggett will be duly notified by mail of the action of the Commission when the same is acted upon by the Commission.

Henry Daggett, et al.

J. C. Beaver, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above cause, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Beaver

Subscribed and sworn to before me this 15th, July, 1903.

Commissioner.

Commissioner.

JUN 7, 1907.

File with C.R. D-915, Lucinda Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1901.

In the matter of the application of Ittie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ittie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Ccowessecowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that one's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand childre here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of 1880? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Vatie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir, He can't come here to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I hav n't got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you got a farm there? A I have had it fenced, we haven't cut there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q How old is Louisa, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their names? A Jim, Pauline and Charley.
Q What has become of Jim and Pauline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you alive before the war? A Yes, sir.
Q Whom did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand river.
Q Where were you living at the time the war come up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I come back after Abraham Lincoln got killed; come back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney? A I ain't been living at no other place.
Q This child, Frankie, you apply for is that a boy or girl? A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived any where except the Cherokee Nation?
A No, sir, never did.

BY CO'R WYDLIS:

Q What is the reason your husband isn't here? A He is paralysed and could not walk.
Q Not able to come? A No, sir.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you come up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a great-grandmother of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one but her daughter.

Q What was her daughter's name? A Named Polly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I come there in the fall.
Q In the fall of '66? A Yes, sir.
Q What time did you leave there? A I left there in the spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '66, you stayed there a year and a half A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy? A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney? A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born? A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you? A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COM'R NICKLES:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q He been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emoline and stated that Emoline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis; Jones ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jones live? A Cherokee Nation.
Q How about Martha Ann? A She ain't never lived no where else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COMM'R RENDLEN:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married A Yes, sir.
Q What was her name? A Ellen Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you calledup here know about this

Ebbie Daniels et al #

marriage of your aunt A Ebbie Daniels I guess know it.
Q Where were they married? A On Caney.
Q How long did they live together? A About eight or nine years.
Q Did they live together as man and wife? A Yes, sir.
Q In the house where you were living? A Yes, sir.
Q Did he ever any any other wife? A Yes, sir, not as I know of.
Q Did she ever have any other husband? A Not as I know of.
Q Did the people in the community call them husband and wife, recognize them as husband and wife and receive them as husband and wife? A Yes, sir.

CROSS EXAMINATION.

Q Did she have any children before she married him? A Yes, sir.
Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and then before you moved up to Caney? A Why Well, we did.
Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.
Q And how long had you been at Fort Gibson until your husband came, or did he come first? A He came after he was mustered out and I don't know when he was mustered out.
Q I want to know how long that was after he came up there? A Little over a month.

L.D.DANIELS, being first duly sworn by Commissioner T.B. Needles, testified as follows: EXAMINATION:

Q State your name? A L.D.Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 66.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a Freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ebbie Daniels? A Yes, sir, I do.
Q How long have you known her? A I have knowed her ever since '65.
Q Did you see her in 1865? A I seen her sir.
Q Where? A Fort Gibson.
Q Upon coming in '65? A It was in the fall.
Q State the circumstances of your seeing her? A Well, there was wagons come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.
Q How long did she remain in that settlement, do you know? A Well, she remained there I guess a year or such a matter.
Q You don't know exactly how long she stayed? A No, because sometimes I would see her sometimes twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to draw rations I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over on Caney four miles above Bartlesville, north.
Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.
Q How many children? A Well, she had three to Fort Gibson, two girls and a boy.
Q She had three you say? A Yes, sir, three.
Q Do you know how many she has had since that time? A She had got a house full now, I haven't been to her house since '83 I was over there then and there was five I know was down with the chills then in '86.
Q You don't know how many there was that didn't have the chills? A Yes, sir, there was a good many running around there.
Q Did you know Andy, her husband? A Andy Daniels, Yes sir.
Q Do you know whether Andy was out of the Cherokee Nation during

she was? A Yes, sir, he belonged to the Second Regiment.
Q Do you know when he came back? A He came out to Gibson after that, he went there and got this woman down there, I don't know whether it was in '67 or the latter part of '67.
Q Do you know when Andy was mustered out? A No.
Q Do you know of your own personal knowledge when he came back to the Cherokee Nation? A No, because I was living to Gibson and he wasn't mustered out there and I could not tell you what time he hit the other part of the Cherokee Nation.
Q Was Ebbie a slave? A I didn't know the former owners at all.
Q You didn't get acquainted with her until '65? A Yes, sir, not until to Gibson.

EASTER WILLIAMS:

Q When did you first see Andy Daniels after the war? A I think it was in '67 or the latter part of '66 when he came to Gibson.
Q And that is the time you seen him in Gibson after the war? A Yes, sir, I seen him in the store.
Q With whom was this woman living down there when you knew her first after the war? A She came there every time she would come to get rations she would come with Isaac Gripe's wife.
Q What was her name? A I don't know, claimed to be her mother.
Q Claimed to be Ebbie mother? A This woman's mother.
Q You don't know whose house she stayed? A She stayed at her own house on the old Lake, about a mile from Houston Benge's
Q You saw her three children at that time? A Yes, sir, and I seen and her children there too.
Q What were the names of these children you saw at that time?
A I don't know, it was strange to see a Cherokee with a little white child and she had a white child at that time.
Q Well do you know that she continued to reside around there at that time? A She stayed around there four or five months to my knowledge.
Q You would see her about when she came and get her feet under the table to get rations? A She come to the old house the people applied to get the rations.
Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around there four or five months.
Q To be positive about that? A Yes, sir.

Remainder of application taken by stenographer, Chas. von Weise.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 12th day of July, 1901.

(signed)T.B.Needles,
Commissioner.

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Continued from Stenographer, J.O.Rosson. • • •

Nowata, I. T., June 25th, 1901.

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In the matter of the application of Ebbie Daniels et al.

EASTER WILLIAMS called and sworn by Commissioner T.B.Needles testified as follows:

By Mr. Smith, of counsel for applicants.

Q What is your name? A Easter Williams.
Q Do you know this applicant, Ebbie Daniels? A Yes, sir, slightly acquainted with her for 25 years.
Q Do you know where she lives? A Yes sir.

Q For how many children? A No sir.
Q How old is she now? A 38 Comes.
Q Do you know who her owners were during the war? A Yes sir, Nelson Lacey, she told me so, I knowed some of them on Grand river.
Q Did you know her before the war? A No sir.
Q Did you know her during the war? A No sir.
Q You dont know anything about her citizenship? A No sir, not personally.

By Mr. Hastings, Cherokee representative:
Q Did you see her in 1866? A Some about 25 years ago.
Cross-examination of the applicant:
Q How far do you live for John Ferguson? A I dont know.
Q Do you know him? A Yes sir.
Q But you dont know how far you live from him? A No, sir.
Q When did you see W.A.Ferguson first after the war? A At Fort Gibson.
Q When was that? A I dont know.
Q Before you left there? A Yes sir.
Q Was your husband there then? A No sir he was in the army.
Q What time of the year was it? A Cold weather, I dont know the months.
Q And you dont know the year? A No sir.
Q At what place was it? A Right in town where I was hirled out.
Q At whose house? A I dont know, I dont remember the name.
Q You remember seeing this man though? A Yes sir.

William Ferguson, called and sworn as a witness for the applicant.

By Mr. SMITH:-
Q What is your name? A William Ferguson.
Q What is your postoffice address? A Wagoner.
Q What is your age? A 64 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Ethie Daniels? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Thomas Carey.
Q Was he a citizen of the Cherokee Nation? A Yes sir, by adoption his first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Hawkrat.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation?
A Yes sir.
Q How far did they live from you at the time of the war? A I was living 30 miles north of their place when the war commenced.
Q He was here when the war commenced? A Yes sir in Delaware district Cherokee Nation at Carreyle Prairie.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I dont.
Q When did you first see her after the war in the Cherokee Nation?
A At Vinita before the Wallace court.
Q Did you testify for her there? A I might have, I dont recollect, I think I did as to her owners.
Q You know her husband? A Yes sir.
Q Was his name Andy? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Zeek Daniels.
Q Was Zeek Daniels a Cherokee citizen? A Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the Civil war? A I cant tell, of my own knowledge.

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Q When did you first see Andy back here after the war? A At Vinita before the Wallace court.

POLLY VIVENS, sailed and sworn as a witness for the applicant- By Mr. Smith:

Q What is your name? A Polly Vivens.
Q How old are you? A 66
Q Do you know this applicant here? A Yes sir.
Q When did you first get acquainted with her? A Just after peace was made I got her.
Q You didnt know her before the war? A No sir.
Q You dont know who she belonged to? A No sir.
Q Where did you first see her after the war? A At Fort Gibson.
Q How long after peace was declared? A In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.
Q How long did she stay around there? A I guess she staid there a little over a year, I seed her around there about that long.
Q Did you know her after that when she went up on Caney to live? A No sir.
Q Never have been at her house on Caney? A No sir.

By Hastings-

Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was hers though.
Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.
Q What name did she go by then? A Carrye.
Q Was she married then? A I dont know; she said when she came there that her husband was in the army.
Q How long after that before you saw her husband? A I dont remember, didn't pay no attention to him, no I didn't.
Q You dont remember him? A Yes sir, but I dont know how long after that that I seed him.
Q How many children did she have there? A Only that white one.
Q Was that a girl or a boy? A Girl.
Q Do you know Sallie Bacon? A Yes sir that is my grandmother.
Q Did she live in town? A She lived at the lake, this side of Connan Vann's.
Q And this woman lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for Martha? A Yes sir.
Q Did you draw your strip money? A No sir.

Applicant not found on the authenticated roll of 1880.
Applicant not found on the Census roll of 1896.
Applicant not found on the Kern Cliftonroll.
Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2360 Andrew Daniels, Cherokee Nation.
Page 111 No.2361 Eebie Daniels " "
Kern Clifton roll examined and the name of applicants child found as follows-
Page 124 No.3083, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have your name put on the 1880 roll? A Yes sir.
Q Where did you apply? A At Claremore.
Q That was when they was around taking the census? A Yes sir.
Q You never went to Tahlequah to have it done? A No sir.
Q Did your husband? A No sir.
Q You didn't get your strip money for yourself or husband? A No sir only for the children, me and the old man and Lewis was left out.

Q In Martha Daniels' ~~Case~~ sir.

Mary Clifton roll examined and the applicants child Martha identified as Citizen-
Page 124 No.3006 Martha Daniels, Delaware district.

By Commissioner Needles.

Fabin Daniels appears for herself, her husband Andy one son Frank, and for a grand daughter Martha, 12 years of age. The said Mattie and Andy Daniels are not identified on any roll except the Wallace roll; her son Frank is identified on the Mary Clifton roll and also her grand daughter Martha. She avers that she and her husband were slaves in the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866, she has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory pr of between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Fabin Daniels, her husband Andy, herson and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

* * * * * * * * *

Chas.vonWeise, being sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes thereon.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 5th of July, 1901.

(signed)T.B.Needles,
Commissioner.

L.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete ~~xxxx

File in Lucinda Daniels C.T. D 913

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 9th, 1901.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. T. N. #859

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicants.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 55 and 4.
Q What is your post office? A Welch.
(By Hastings)
Q How far do you live from the town of Dewey? A About 7 miles north
Q Do you know a colored man in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir, I don't
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in that vicinity? A Ever since the Delawares came there.
Q What year did the Delawares come there? A In '68,
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families came first; the first ones that started they stopped here on Grand river, and I came with them, we stopped with the Wyandotts first and then came on.
Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January '69.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '69.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you came to see him? A I and another boy got on our horses and went visiting and we run up to the camps there on Caney and I saw him.
Q Whose camps? A The Delawares camps.
Q How far was that from where this Andrew Daniels is now living? A
A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you came to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A That have been about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q Where did you come from the the Cherokee Nation? A Kansas.
Q Near wat place in Kansas, now? A We must be live 7 or 8 miles north east of Lawrence.
Q You didn't come here when the Seminole band of Delawares came? A No sir we came before and stopped at the Wyandotte reservation and staid all winter.
Q You stated that you knew [illegible] Dandrie in Kansas? A Yes sir.
Q Can you give the year that you knew him in Kansas? A It must have been about '65 we was working in the hay field when I saw him first.
Q Did you ever see him any more after '65? A Yes sir.
Q Where? A He was working not far from where I lived, working for old man Sarcoxie.
Q How long after that before you next saw him? A Must have been about a year.
Q How long had it been since you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Nation you say in '66 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.
(By Hastings)
Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left there about the first of '66? A I cant tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left there had you seen him? A I dont remember that
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and came down here? A No sir I dont know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.
(By the Commission)
Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1866? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection of seeing him from '65 until you left in 1866? A No sir I never paid any attention to the follow; the way I got acquainted with him was in the hay field in '65 or '6.
Q Have you any recollection of seeing him from that time until '66? A No sir.
Q If he was living in your neighborhood then you dont recollect it? A No sir.

(Continued by stenographer Bruce O. Jones)

State of Texas, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his shorthand notes thereof.

Subscribed and sworn to before me this the [illegible] October, 1901.

Commissioner.

- Continued from testimony taken by [illegible] -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows through Joe B. Parker, interpreter:

Q Give me your full name please? A John Young.
Q How old are you? A About 55.
Q What is your postoffice? A [illegible].
Q Are you a native of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.

Mr. Mellings: How far do you live from the town of Dewey? A About six miles.

Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
Q Did you come with the Delawares when they came to this country? A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
Q What camp? A A little west of Lawrence.
Q Kansas. A Yes, sir.
Q Then what became of Andrew Daniels? A He came down with them.
Q Came down with the Delawares? A Yes, sir.
Q Where did he come to? A Here on Caney, Cherokee Nation.
Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
Q That is Andrew Daniels? A Yes.
Q How long did he stay up there, or stay away? A I don't know how long he was there, but he went after his family up there in Kansas.
Q When he came back did he have his family? A Yes, he had his family.
Q Well, have you known him here then ever since? A Yes.
Q Well, he has a wife and some children, has he? A Yes.

Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know my exact age, but I was about 4.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '67.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning: when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Has that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you knowanything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Peshawski, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time? A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometime along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

right close to where I lived making ties.
Q That was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q Let's understand that: you came down here along in June?
A Yes, sir.
Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Pycharski hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edmund Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Near where you live now? A Right was where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home: I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '63, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I can't tell you just exactly, about 30 years ago, or 35.
Q Directly after the war? A Just after the war two or three years.
Q Now when you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '63, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Fort Smith.

Q Did he have any colored people with him? A No, sir.
Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Ambie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet.
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over there on Grand River, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewhereas about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith; was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
Q You see any other members of your father's family there? A No, sir
saw him? A He has been there a week or two.
Q That was June, 1863? A June, 1863, as well as I recollect.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or two of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and him and his darkies went together, and me, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from time to time, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-879, Andrew Daniels et al; and also in Cherokee Freedman Doubtful cases D-912, D-913, D-931, D-962, D-963, and D-971.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

Fried. D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Nancy Claggett, D 912;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission on to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of

Andrew Daniels, et al.,...	Cherokee Freedmen	D 859
Nancy Claggett, et al.,...	" "	D 912
Lucinda Daniels,.....	" "	D [illegible]
Thomas Daniels, et al.,...	" "	D 931
Lewis Daniels,.....	" "	D 962
Charles Daniels,.....	" "	D 965
Jonas Daniels,.....	" "	D 971

D E C I S I O N.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J, and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself..

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph are the descendants of said Ibbie Daniels and were born since 1866.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett, Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephine Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. McCoy.
Commissioner.

C. A. L.
Commissioner.

[illegible]
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1902

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, March 7, 1905.

In the matter of the allotment of land to Nancy Clagget and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Clagget, Cherokee Freedman Card No. 1317, Approved Roll Nos. 3639 to 3646, inclusive.

John Clagget, non-citizen husband and father, being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A John Clagget.
Q How old are you? A I will be 52 the 20th day of June.
Q What is your post office? A Nowata, Indian Territory.
Q Do you make any claim to Cherokee citizenship? A My wife did through her.
Q In other words you claim rights through intermarriage? A Yes sir.

(Note) There is no provision by law by which an intermarried Freedman can claim rightsin the Cherokee Nation.

Q Are you married? A Yes sir.
Q What is the name of your wife? A Nancy Clagget.
Q What is the name of her father? A I do not know, sir. Her stepfather's name was Andy Daniels.
Q What was the name of her mother? A Iddie Daniels.
Q Is your wife living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Are your children living at this time? A Yes sir.
Q All of them? A Yes sir, was Sunday morning.
Q Living with you? A Yes sir.
Q What is your object in appearing at the Land Office today?
A To designate land in allotment for my wife and children.
Q Have you any written authority from your wife to make these designations? A Yes sir.

Applicant offers Power of Attorney executed by Nancy Jane Clagget, march 4, 1905, wherein she appoints John Clagget her lawful attorney for the purpose of selecting lands in the Cherokee Nation for herself and minor children, Willie C., Lizzie Clagget, Isabella Clagget, Mariah Clagget, Alexander Clagget, Josie May Clagget and Nancy Jane Clagget.

Q Is the Lizzie Clagget who is mentioned in this Power of Attorney the same as Elizabeth Clagget? A Yes sir.Just the same.
Q Is the Isabella Clagget named in this Power of attorney the same as Isabell Clagget? A Yes sir, the same.
Q Is the Nancy Jane the same Nancy J. Clagget? A Yes sir.
Q And is Josie M. Clagget the same as Josie May Clagget? A Yes sir.
Q Is the Nancy Jane Clagget who executed this Power of Attorney identical with the Nancy Clagget, your wife? A Yes sir.

Q Are you the John Clagget named in this Power of Attorney? A Yessir.
Q Do the lands you wish to designate for your wife and children lay west of Grand river? A Yessir.
Q Has any previous application been made foreither your wife or children? A No sir, this is the first.
Q Are you prepared to select eight allotments today? A I do not know, I can't tell how the land will run.
Q You cannot tell until you get into the land office? A No sir.
Q Are there any improvements on this land? A Yes sir.
Q Are you living upon this land? A Yes sir.
Q State the reasons why your wife does not make personal appearance and slection for herself and children? A Got the rheumatism -
Q Is the condition of her health such that she cannot travel? A Yessir
Q Have you a physician's certificate as to the condition of her health? A Yes sir.

Witness offers certificate of Physician signed by D.D.Howell M.D. to the effect that Nancy J. Clagget is confined with rheumatism and cannot leave her home.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes sheaccurately recorded the testimony in the above entitled cause and that the fore going is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Subscribed and sworn to before me this 7th day of March, 1905.

W. S. Hawkins

Notary Public.

FILED
MAR 7 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen
2030; 2012; 2013;
2021; 2022; 2023;
2071.

Muskogee, Indian Territory, March 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and Jonas Daniels and Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee Freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-21

Commissioner in Charge.

Cherokee Freedmen
D-859 et al.

Muskogee, Indian Territory, April 28, 1904.

Edgar Smith,

Attorney for Ibbie Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ibbie Daniels et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis and Charles Daniels, Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

Respectfully,

Chairman.

Register

Enc. D-19.

Cherokee Freedmen
D-912.

Muskogee, Indian Territory, April 26, 1904.

Nancy Claggett,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-13.

Chart No. 1-1

See Cher Fr 1316, f. 69

Cher Fr 1318

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Lucinda Daniels for enrollment as a Cherokee Freedman; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Nellette & Smith, for Applicant.
Mr. J. S. Davenport, for Cherokee Nation.

Q What is your name? A Lucinda Daniels.
Q How old are you? A 22.
Q What is your post office address? A Dewey.
Q What district do you reside in, Coowescoowee? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll beside yourself? A Just myself.
Q Are you married? A No, sir.
Q What is your father's name? A Andy Daniels.
Q What is your mother's name? A Ibbie Daniels.

BY MR. SMITH:

Q Was the man by Claggett who just applied here for enrollment your sister? A Yes, sir.
Q Has your mother, Ibbie Daniels, already applied for enrollment before the Commission here? A Yes, sir.
Q Were you present when she applied or not? A Yes, sir.
Q You claim your citizenship through your mother? A Yes, sir.
Q Are you married or single? A Single.
Q Ever been married? A No, sir.
Q Do you apply for yourself alone? A Yes, sir.
Q Where do your live, Lucinda? A Coowescoowee.
Q What is your post office? A Dewey.
Q How long have you lived in the Cherokee Nation?
A Ever since I have been born; I was born in the Cherokee Nation.
Q Never lived anywhere else except the Cherokee Nation?
A No, sir.
Q How long have you lived at the place you now live?
A Ever since I can recollect.

The 1880 Authenticated and 1896 Census Rolls of Freedmen of the Cherokee Nation examined and names of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 186, #4537, Lucinda Daniels, Coowescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 111, #2364, Lucinda Daniels, Cherokee Nation.

COM'R MEMBERS: Lucinda Daniels applies for the enrollment of herself. She cannot be identified upon the ~~[illegible]~~ Authenticated roll of 1880 or census roll of 1896. She is duly identified upon the Kern-Clifton and Wallace rolls. She avers that she is a child of Andy and Ibbie Daniels, and claims her citizenship through her mother, Ibbie, who has been listed for enrollment on doubtful card #859, and the testimony in said case will be made part of the record in the case at bar and a copy thereof filed herewith. Said Ibbie Daniels having made satisfactory proof as to residence, will be listed for enrollment as a Cherokee Freedman upon a doubtful card. The applicant will be notified by mail of the action of the Commission in the premises.

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Lucinda Daniels.--8

J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Rosson

Subscribed and sworn to before me this 15th day of July, 1901.

Commissioner.

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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27 1896
Post Office Nivery I.T.
District Cooweescoowee

1. Name ..... Age .....
Owner's name ..... Citizenship .....
Year ..... Page ..... No. ..... District .....
Parents:
Father ..... Citizenship .....
Mother ..... Citizenship .....

2. Name of wife Lucinda Daniels Age 21
Owner's name ..... Citizenship .....
Year 1880 Page 185 No. 4537 District Cooweescoowee
Parents:
Father Judy Daniels Citizenship .....
Mother Dob Citizenship .....

Names of Children:

		Year	Page	No.	Dist.
3.		Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12		Year	Page	No.	Dist.

Application made by ..... Stenographer .....

Represented by Petitioner

10 NED 913

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of SEP 18 ....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to ....

....

on the day of , A.D. 1901

.....

Subscribed and sworn to before me this day of A.D. 1901.

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Lucinda Daniels for enrollment as a Cherokee citizen:

Case No. D 213

To Lucinda Daniels or Mallette & Soldier Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on [illegible] 1st [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible] 1901

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Linda Daniels for enrollment as Cherokee Freedmen.

Mallette & Brewer
Attys for Applicant

Cher Cherokee Freedmen #1/13

File with C.F. D-915, Lucinda Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25,1901.

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedman; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand childre here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of1880? A It ought to be.
Q Well, is it? A. I could not tell you whether it is or not.
Q What was your father's name? A Thomas Katie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir, He can't come have to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I have n't got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you got a farm there? A I have had it fenced, we haven't out there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett/
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

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Idlie Daniels et al 2

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q Estella is Louisa, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their names? A Jim, Emaline and Charley.
Q What has become of Jim and Emaline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you a slave before the war? A Yes, sir.
Q Whom did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand river.
Q Where were you living at the time the war come up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I come back after Abraham Lincoln got killed; come back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney? A I ain't been living at no other place.
Q This child, Frankie, you apply for is that a boy or girl? A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived any where except the Cherokee Nation?
A No, sir, never did.

BY CO'R WILES:

Q What is the reason your husband isn't here? A He is paralysed and could not walk.
Q Not able to come? A No, sir.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you come up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one out her daughter.

Q What was her daughter's name? A Named Polly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a littl girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I come there in the fall.
Q In the fall of '65? A Yes, sir.
Q What time did you leave there? A I left there in the spring.
Q Now was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy? A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney? A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born?
A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you?
A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COM'R NEEDLES:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q You been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emeline and stated that Emeline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis; Jones ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jones live? A Cherokee Nation.
Q How about Martha Ann? A She ain't never lived no where's else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COMR HASTINGS:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married A Yes, sir.
Q What was her name? A Ellen Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you calledup here know about this

marriage of your son? A Lewis Daniels I guess know it.
Q Where were they married? A On Caney.
Q How long did they live together? A About eight or nine years.
Q Did they live together as man and wife? A Yes, sir.
Q In the house where you were living? A Yes, sir.
Q Did he ever any any other wife? A No, sir, not as I know of.
Did she ever have any other husband? A Not as I know of.
Q Did the people in the community call them husband and wife, regard them as husband and wife and receive them as husband and wife? A Yes, sir.

CROSS EXAMINATION:

Q Had she had any children before she married him? A No, sir.
Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and a half before you moved up to Caney? A Why Well, we did.
Q Now you lived down there with your husband, did you, Addy Daniels? A Yes, sir.
Q About how long had you been at Fort Gibson until your husband come, or did he come first? A He came after he was mustered out and I don't know when he was mustered out.
Q I want to know how long that was after he came up there?
A Little over a month.

L.D.DANIELS, being first duly sworn by Commissioner Tyner, testified as follows: DIRECT EXAMINATION:

Q State your name? A L.D.Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a Freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.
Q How long have you known her? A I have knowed her ever since '85.
Q Did you see her in 1865? A I seen her sir.
Q Where? A Fort Gibson.
Q What time in '65? A It was in the fall.
Q State the circumstances of your seeing her? A Well, there was wagons come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.
Q How long did she remain in that settlement, do you know?
A Well, she remained there I guess a year or such a matter.
Q You don't know exactly how long she stayed? A No, because sometimes I could see her sometimes twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to draw rations I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over on Caney four miles above Bartlesville, north.
Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.
Q Do you know her children? A Well, she had three to Fort Gibson, two girls and a boy.
Q She had three you say? A Yes, sir, three.
Q Do you know how many she has had since that time? A She has got a house full now, I haven't been to her house since '65 I was over there then and there was five I know was down with the chills then in '65.
Q You don't know how many there was that didn't have the chills?
A No, sir, there was a good many running around there.
Q Did you know Andy, her husband? A Andy Daniels, Yes sir.
Q Do you know whether Andy was out of the Cherokee Nation during

Ebbie Daniels et al #

the war? A Yes, he returned to the Second Regiment.
Q Do you know when he came back? A He came back to Gibson after that, he came there and got this woman down there, I don't know whether it was in '67 or the latter part of '67.
Q Do you know when Andy was mustered out? A No.
Q Do you know of your own personal knowledge when he came back to the Cherokee Nation? A No, because I was living to Gibson and he wasn't mustered out there and I would not tell you what time; he hit the other part of the Cherokee Nation.
Q Was Lucy a slave? A I didn't know the former owners at all.
Q You didn't get acquainted with her until '65? A Yes, sir, not until to Gibson.

BY MR. SMITH:

Q When did you first see Andy Daniels after the war? A I think it was in '67 or either latter part of '65 when he came to Gibson.
Q And that is the time you seen him in Gibson after the war? A Yes, sir, I seen him in the city.
Q With whom was this woman living down there when you knew her first after the war? A She came there every time she would come to get rations she would come with Isaac Grayson's wife.
Q What was her name? A I don't know, claimed to be her mother.
Q Claimed to be Isaac mother? A This woman's mother.
Q You don't know whose house she stayed? A She stayed at her own house on the old lake, about a mile from Houston Benge's
Q You saw her three children at that time? A Yes, sir, and I seed and her children there too.
Q What were the names of these children you saw at that time? A I don't know, it was strange to see a Cherokee with a little white child and she had a white child at that time.
Q Well do you know that she continued to reside around there at that time? A She stayed around there four or five months to my knowledge.
Q You would see her about when she come and get her feet under the table to get rations? A She come to the old house the people applied to get the rations.
Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around there four or five months.
Q To be positive about that? A Yes, sir.

Remainder of application taken by stenographer, Chas. von Weise.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 12th day of July, 1901.

(signed)T.B.Needles,
Commissioner.

---oooOOOooo---

Continued from Stenographer, J.O.Rosson. * * *

Nowata, I. T., June 25th, 1901.

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In the matter of the application of Ebbie Daniels et al.

EASTER WILLIAMS called and sworn by Commissioner T.B.Needles testified as follows:

By Mr. Smith, of counsel for applicant-

Q What is your name? A Easter Williams.
Q Do you know this applicant, Ebbie Daniels? A Yes, sir, slightly acquainted with her for 25 years.
Q Do you know where she lives? A Yes sir.

Q Do you know how old she is? A No sir.
Q How long has she been living since you knew her? A On Caney.
Q Do you know who her owners were during the war? A Yes sir, Walker Kerry, she said it was, I knowed some of them on Grand river.
Q When you know her before the war? A No sir.
Q Did you know her during the war? A No sir.
Q You dont know anything about her citizenship? A No sir, not personally.

By Mr.Hastings, Cherokee representative:
Q Did you see her in 1867 A Just about 25 years ago.
By Mr.Hastings of the applicant:
Q How far do you live for John Parker? A I dont know.
Q Do you know him? A Yes sir.
Q But you dont know how far you live from him? A No sir.
Q When did you see W.H.Foreman first after the war? A At Fort Gibson.
Q When was that? A I dont know.
Q Before you left there? A Yes sir.
Q Was your husband there then? A No sir he was in the army.
Q What time of the year was it? A Cold weather, I dont know the month.
Q And you dont know the year? A No sir.
Q At what place was it? A Right in town where I was hirled out.
Q At whose house? A I dont know, I dont remember the name.
Q You remember seeing this man though? A Yes sir.

William Foreman, called and sworn as a witness for the applicant-

By Mr. SMITH;-
Q What is your name? A William Foreman.
Q What is your post-office address? A Wagoner.
Q What is your age? A 54 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Ettie Daniels? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Thomas Carey.
Q Was he a citizen of the Cherokee Nation? A Yes sir, by adoption his first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Muskrat.
Q Both his wives were Cherokees?A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation?
A Yes sir.
Q How far did they live from you at the time of the war? A I was living 30 miles north of their place when the war commenced.
Q He was here when the war commenced? A Yes sir in Delaware district Cherokee Nation at Carrey's Prairie.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I dont.
Q When did you first see her after the war in the Cherokee Nation?
A At Vinita before the Wallace court.
Q Did you testify for her there? A I might have, I dont recollect, I think I did as to her owners.
Q Did you know her husband? A Yes sir.
Q Was his name Andy? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Zeek Daniels.
Q Was Zeek Daniels a Cherokee citizen? A Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the Civil war- Andy? A I can't tell, of my own knowledge.

Q When did you first see Andy back here after the war? A At Vinita before the Wallace Court.

POLLY NIVENS, called and sworn as a witness for the applicant-

By Mr. Smith:

Q What is your name? A Polly Nivens.

Q How old are you? A 66

Q Do you know this applicant here? A Yes sir.

Q When did you first get acquainted with her? A Just after peace was made I met her.

Q You didnt know her before the war? A No sir.

Q You dont know who she belonged to? A No sir.

Q Where did you first see her after the war? A At Fort Gibson.

Q How long after peace was declared? A In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.

Q How long did she stay around there? A I guess she staid there a little over a year, I seed her around there about that long.

Q Did you know her after that when she went up on Caney to live? A No sir.

Q Never have been at her house on Caney? A No sir.

By Testimony-

Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was hers though.

Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.

Q What name did she go by then? A Carrye.

Q Was she married then? A I dont know; she said when she came there that her husband was in the army.

Q How long after that before you saw her husband? A I dont remember, didn't pay no attention to him, no I didn't.

Q You dont remember him? A Yes sir, but I dont know how long after that that I seed him.

Q How many children did she have there? A Only that white one.

Q Was that a girl or a boy? A Girl.

Q Do you know Sallie Bacon? A Yes sir that is my grandmother.

Q Did she live in town? A She lived at the lake, this side of Conman Vann's.

Q And this women lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for warthe? A Yes sir.

Q Did you draw your strip money? A No sir.

Applicant not found on the authenticated roll of 1880.
Applicant not found on the Census roll of 1896.
Applicant not found on the Kern Cliftonroll.
Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2360 Andrew Daniels, Cherokee Nation.
Page 111 No. 2361 Ebbie Daniels
Kern Clifton roll examined and the name of applicants child found as follows-
Page 134 No. 3065, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have your name pur on the 1880 roll? A Yes sir.

Q Where did you apply? A At Claremore.

Q That was when they was around taking the census? A Yes sir.

Q You never went to Tahlequah to have it done? A No sir.

Q Did your husband? A No sir.

Q You didn't get your strip money for yourself or husband? A No sir only for the children, me and the old man and Lewis was left out.

-2-

Q Is Martha living? A Yes sir.

Kern Clifton roll examined and the applicants child Martha identified as follows-
Page 124 No.3084 Martha Daniels, Delaware district.

By Commissioner-

Ebbie Daniels applies for herself, her husband Andy one son Frank, and for a grand daughter Martha, 12 years of age The said Ebbie and Andy Daniels are not identified on any roll except the Wallace roll; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She avers that she and her husband ~~were~~ were citizens in the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Helen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Ebbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

* * * * * * * * *

Chas.vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 9th of July, 1901.

(signed)T.B.Needles,
Commissioner.

E.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete ~~transcript~~ copy of the original transcript.

E D Green

Subscribed and sworn to before me this November 21, 1901.

COMMISSIONER.

Notary Public.

File with Lucinda Daniels C.F. D 913

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 2d, 1901.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. F. D #850

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicants.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, Between 53 and 4.
Q What is your post office? A Welcome.
(By Hastings)
Q How far do you live from the town of Caney? A About 7 miles north
Q Do you know a colored man in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir, I don't.
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in that vicinity? A Ever since the ~~Cherokee came there~~ Delawares came there.
Q What year did the Delawares come there? A In '66.
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families come first; the first ones that started they stopped here on Grand river, and I come with them, we stopped with the Wyandotts first and then come on.
Q About what time did you leave Kansas? A Went through Lawrence Kandas on the first day of January '68.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you come to see him? A I and another boy got on our horses and went visiting and we run on to the camps there on Caney and I saw him.
Q Whose camps? A The Delawares camps.
Q How far was that from where this Andrew Daniels is now living? A
A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you come to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A Must have been about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q Where did you come from the the Cherokee Nation? A Kansas.
Q Near wat place in Kansas, how? A We used to live 3 or 4 miles north east of Lawrence.
Q You didn't come here when the regular band of Delawares came? A o sir we came before and stopped at the Wyandotte reservation and staid all winter.
Q You stated that you knew Andrew Daniels in Kansas? A Yes sir.
Q Can you give the year that you knew him in Kansas? A It must have been about '68 we was working in the hay field when I saw him first.
Q Did you ever see him any more after '68? A Yes sir.
Q Where? A He was working not far from where I lived, working for old man Sarcoxie.
Q How long after that before you next saw him? A Must have been about a year.
Q How long had it been since you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Nation you say in '68 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of the children? A No sir.
(By Hastings)
Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left there about the first of '68? A I cant tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left there had you seen him? A I dont remember that
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and came down here? A No sir I dont know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.
(By the Commission)
Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1868? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection of meeting him from '65 until you left in 1868? A No sir I never paid any attention to the fellow; the way I got acquainted with him was in the hay field in '65 or '6.
Q Have you any recollection of seeing him from that time until '68? A No sir.
Q If he was living in your neighborhood then you dont recollect it? A No sir.

(continued by stenographer Bruce C. Jones)

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Chas. von Meise, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 7th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows; through Joe S. Parker, interpreter:

Q Give me your full name please? A John Young.
Q How old are you? A About 56.
Q What is your postoffice? A Weldon.
Q Are you a native of the Cherokee Nation? A Yes sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.
Mr. Hastings: How far do you live from the town of Dewey? A About six miles.
Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
Q Did you come with the Delawares when they came to this country?
A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
Q What camp? A A little west of Lawrence.
Q Kansas? A Yes, sir.
Q The what became of Andrew Daniels? A He came down with them.
Q Came down with the Delawares? A Yes, sir.
Q Where did he come to? A Here on Caney, Cherokee Nation.
Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
Q That is Andrew Daniels? A Yes.
Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.
Q When he came back did he have his family? A Yes, he had his family.
Q Well, have you known him here then ever since? A Yes.
Q Well, he has a wife and some children, has he? A Yes.
Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '67.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about him going after his wife, and about his returning; when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Did that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you knowanything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pecharcki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time?

A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometimes along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

right close to where I lived making ties.
Q That was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q Let's understand that: you came down here either in June?
A Yes, sir.
Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Hendgrenk hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edward Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edward Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Was where you live now? A Right near where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home; I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '65, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I can't tell you just exactly, about 30 years ago, or 35.
Q Directly after the war? A Just after the war two or three years.
Q Now when you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '65, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Fort Smith.

Q Did he have any colored people with him? A No, sir.
Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet..
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over there on Grand River, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewheres about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed th. Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith; was he living there? A Well, he moved down there with some of his families, and he said he sold them there? Was in the army, I don't know what he was doing, I met him there.
Q You saw any other members of your father's family there? A No, sir
Q How long had your father been in Fort Smith at the time you saw him? A He had been there a week or two.
Q That was June, 1863? A June, 1863, as well as I recollect.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer time, was it? A I guess so.
Q And it at that time, or during that time, that your father had said this woman, or he referred it to you? A Yes, sir.
Q Did he say why he did that for? A No, sir, I never asked him.
Q He just told her that sometimes within a week or two of the time you were talking to him? A Yes, sir.
Q Did he have her out with him at the time you and he broke that left the Arbuckle? A Yes, sir, him and L.; Family went out, Lee Wilds and her and the darkey went together, and he. I went with them.
Q [illegible] you [illegible] to see your father from [illegible] he just ask you about it [illegible] in the army? A I stayed in the army, and he stayed back up there.
Q Did you say your father? A No, I didn't see him for a year afterwards pretty much, we went out on a scout and he went out to farm with us.
Q Did he have any shovel along then he went to farm? A No, sir.

Mr Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows to the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

(Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-880, Andrew Daniels et al: and also in Cherokee Freedman Doublehead cases D-812, D-813, D-831, D-862, D-863, and D-871.

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Bruce C. James, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above c...se, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. James

Sworn to and subscribed before me this the 7th of October, 1901.

[signature]

Commissioner.

Docket D 499

Commission of the Interior,
Court of Claims of the Five Civilized Tribes,
Muskogee, I. T., May 14, 1903.

In the matter of the application of MARY ANNE for enrollment as a Cherokee freedman:

Applicant appears by Mellette & Smith, Cherokee Nation, by T. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Isaac Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case D D 499, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible], D [illegible];

By T. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, now that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District. Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the cases of those Whitmire, trustee, vs Cherokee Nation, for file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation must certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothemberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter

Notary Public.

F. .T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of--

Andrew Daniels, et al.,	Cherokee	Freedmen	D 859
Nancy Claggett, et al.,	"	"	D 912
Lucinda Daniels, et al.,	"	"	D 913
Thomas Daniels, et al.	"	"	D 931
Lewis Daniels, et al.	"	"	D 962
Charles Daniels et al.	"	"	D 963
Jonas Daniels et al.	"	"	D 971

D E C I S I O N.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedmen by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph, are the descendants of said Ibbie Daniels and were born since 1866.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephene Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress; approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedmen be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Bixby,
Chairman.

" T. B. Needles,
Commissioner.

" C. R. Breckinridge,
Commissioner.

" W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this March 5, 1904.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Lucinda Daniels,
Dewey, I. T.
Cherokee F-D-913
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 24 1902

Cherokee Freedmen
D[illegible]; D[illegible]; D[illegible];
D[illegible]; D[illegible]; D[illegible];
D971.

Muskogee, Indian Territory, March 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and Jonas Daniels and Maney, Willis, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee Freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-21

Commissioner in Charge.

Cherokee Freedmen
D-913.

Muskogee, Indian Territory, April 26, 1904.

Lucinda Daniels,

Dewey, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-14.

Cherokee Freedmen
D-859 et al.

Muskogee, Indian Territory, April 26, 1904.

Edgar Smith,

Attorney for Ibbie Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ibbie Daniels et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis and Charles Daniels, Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

Respectfully,

Register

Chairman.

Enc. D-19.

Cher Fr 1319

See Cher Fr 1316, 9547

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28,1901.

In the matter of the application of Ibbie Daniels for the enrollment of two children, THOMAS & JOSEPHINE DANIELS, as Cherokee Freedmen; being sworn by Commissioner Needles, and examined by the Commission she testified as follows:

Q What is your name? A Ibbie Daniels.
Q What is your age? A I don't know exactly how old I am.
Q About how old? A I guess about 34.
Q You are older than 34? A You mean? Well, I don't know.
Q Are you 30 or 34? A I expect.
Q How old is your oldest child? A I don't know.
Q Is it a man grown or a woman grown? A Oh she is married.
Q What is your post-office? A Dewey.
Q What district are you living in? A Coowescoowee.
Q Who do you want to enroll now? A I just want to enroll 2 children, Thomas.
Q How old is Thomas, about how old? A I couldn't tell exactly how old he is.
Q Is he over 21? A No sir.
Q About 19? A Yes sir.
Q His name Thomas Daniels? A Yes sir.
Q What is the name of the other child? A Josephine Daniels.
Q How old is Josephine? A She is 18.
Q Are these children both living with you? A Yes sir, raised at home.
Q At Dewey? A Yes sir.
Q Who is the father of the children? A Andy Daniels.
Q Is he living? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Are these children upon any of the Cherokee rolls? A Yes sir.
Q What rolls? A On the 1880 roll.
Q No, these children, did you draw money for these children? A Yes sir, I drawed money for these children.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 111 #2361 Ibbie Daniels, "No district."

BY MR. L.B.BELL, Cherokee Representative:

Q You would have put these children down before unless they had been too old; Colonel Needles told you to let them enroll themselves? A No. Mr Thomas is not sound in his mind.

BY COMMISSION:

Q Why didn't you apply for these 2 children the other day to be enrolled? A I thought they had them on.
Q You simply applied for Frank and Martha last week? A Frank and Martha and Thomas and Lucinda I said.
Q Josephine ever been married? A No sir; I haven't got but two grand children married.
Q How old are these two children that are married? A I don't know how old they is, there is one of them right there, you can see for yourself. (Points to negro standing near.)

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's children identified on
page 186 #4834 Tom Daniels, Coowescoowee District;

Ibbie Daniels for 2 children &

page 124 #8082 Josephine Daniels, Delaware District, given as 20 years old.

Q Did you draw money for Tom on the Kern-Clifton payment in 1896?
A Yes sir.

Wallace roll of citizens of the Cherokee Nation examined and Thomas Daniels identified on
page 111 #2363 Thomas Daniels, "No district."
Wallace roll page 111 #2366 Josephine Daniels, "No district."

MR. L.B.BELL, Cherokee Rep've, waives examination.

Commission: Ibbie Daniels applies for the enrollment of two children, Thomas and Josephine Daniels as Freedmen of the Cherokee Nation; said Ibbie Daniels is not identified upon the authenticated roll of 1880 of the census roll of 1896; she is, however, identified upon the Wallace roll; her 2 children, Thomas and Josephine are identified upon the Kern-Clifton and the wallace rolls; they will be listed for enrollment as Cherokee Freedmen on a doubtful card, and reference is made to the testimony which was taken in the matter of the application of Ibbie Daniels for the enrollment as a Cherokee Freedman, on D card 859, and the testimony filed in said case will be made a part of the record in the case at bar.

---oOo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 11, 1901.

Commissioner.

FILED
JUL 13 1931

Jp931

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date ..... June 22, 1901

Post Office ..... Nowata, I.T.

District ..... Coo.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page 85 No. 1538 Dist. Coo 10

4. ..... Year ..... Page 104 No. 3082 Dist. Delaware 18

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12 ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

Vina N859

File with C.F. D-931, Thomas Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25,1901.

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand childre here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of1880? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Watie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir, He can't come have to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I haven't got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you not a farm there? A I have had it fenced, we haven't out there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett/
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

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BEST AVAILABLE COPY

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q How old is Louisa, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their names? A Jim, Emiline and Charley.
Q What has become of Jim and Emiline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand river.
Q Where were you living at the time the war come up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I come back after Abraham Lincoln got killed; come back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney? A I ain't been living at no other place.
Q This child, Frankie, you apply for is that a boy or girl? A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived any where except the Cherokee Nation?
A No, sir, never did.

BY MR. GOODLOE:

Q What is the reason your husband isn't here? A He is paralysed and could not walk.
Q Not able to come? A No, sir.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you come up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one but her daughter.

Q What was her daughter's name? A Named Polly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Fancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I come there in the fall.
Q In the fall of '65? A Yes, sir.
Q What time did you leave there? A I left there in the spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy? A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney? A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born?
A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you?
A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COM'R NEEDLES:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q Been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emaline and stated that Emaline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis; James ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does James live? A Cherokee Nation.
Q Now about Martha Ann? A She ain't never lived no where else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COMER HEDDLES:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married A Yes, sir.
Q What was her name? A Ellen Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you calledup here know about this

marriage of your son? A Lewis Daniels I guess knows it.
Q Where were they married? A On Caney.
Q How long did they live together? A About eight or nine years.
Q Did they live together as man and wife? A Yes, sir.
Q In the house where you were living? A Yes, sir.
Q Did he ever any any other wife? A No, sir, not as I know of.
Q Did she ever have any other husband? A Not as I know of.
Q Did the people in the community call them husband and wife, regard them as husband and wife and receive them as husband and wife? A Yes, sir.

BY THE COMMISSIONER:

Q Did she have any children before she married him? A No, sir.
Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and a half before you moved up to Caney? A Some Well, it did.
Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.
Q About how long had you been at Fort Gibson until your husband came, or did he come first? A He come after he was mustered out and I don't know when he was mustered out.
Q I want to know about how long that was after he came up there?
A Little over a month.

L.D.DANIELS, being first duly sworn by Commissioner T.B. Needles, testified as follows: EXAMINATION:

Q State your name? A L.D.Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a Freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q Did you see her in 1865? A I seen her sir.
Q Where? A Fort Gibson.
Q What time in '65? A It was in the fall.
Q State the circumstances of your seeing her? A Well, there was wagons come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.
Q How long did she remain in that settlement, do you know?
A Well, she remained there I guess a year or such a matter.
Q You don't know exactly how long she stayed? A No, because sometimes I could see her sometimes twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to draw rations I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over on Caney four miles above Hartlesville, north.
Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.
Q Do you know her children? A Well, she had three to Fort Gibson, two girls and a boy.
Q She had three you say? A Yes, sir, three.
Q Do you know how many she has had since that time? A She has got a house full now, I haven't been to her house since '65 I was over there then and there was five I know was down with the chills then in '65.
Q You don't know how many there was that didn't have the chills?
A No, sir, there was a good many running around there.
Q Did you know Andy, her husband? A Andy Daniels, Yes sir.
Q Do you know whether Andy was out of the Cherokee Nation during

Ezbie Daniels et al

[illegible] A Yes, I was [illegible] to the Supreme Residence.
Q Do you know when he came back? A He came up to Gibson after that, he come through and put their names down to me, I don't know whether it was in '67 or the latter part of '67.
Q Do you know where Andy was mustered out? A No.
Q Do you know of your own personal knowledge when he came back to the Cherokee Nation? A Yes, for I was living in Gibson and he wasn't mustered out there and I could not tell you that time; he left the other part of the Cherokee Nation.
Q Was Ezbie a [illegible]? A I didn't know it. [illegible] owners at all.
Q [illegible] A Yes, sir, he went to Gibson.

Cross Examination.

Q When did you first see Andy Daniels after he went? A I think it was in '67 or either latter part of '66 when he came to Gibson.
Q And that is the time you seen him in Gibson after the war? A Yes, sir, I seen him in the [illegible].
Q With whom was this woman living that you knew her first after the war? A She came there every time she would come to get rations she would come with Isaac Proctor's wife.
Q What was her name? A I don't know, claimed to be her mother.
Q Claimed to be Ezbie mother? A This is [illegible].
Q You don't know where she stayed? A She stayed at her own house on the old Tahlequah road, about a mile from Houston Vann's.
Q You saw her three children at that time? A Yes, sir, and I seen her children there too.
Q What were the names of these children you saw at that time? A I don't know, it was [illegible] a Cherokee with a little white child and the [illegible] A white child at that time.
Q Well do you know that she continued to reside around there at that time? A She stayed around there four or five months to my knowledge.
Q You would see her about when she come and get her feet under the table to get rations? A She came to the old house the people applied to get rations.
Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around there four or five months.
Q To be positive about that? A Yes, sir.

Remainder of application taken by stenographer, Chas. von Weise.

---oooOOOooo---

J.O.Rasson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rasson.

Subscribed and sworn to before me this 12th day of July,1901.

(signed)T.B.Needles,
Commissioner.

---oooOOOooo---

Continued from Stenographer, J.O.Rasson. . . .

Tahlequah, I. T., June 25th, 1901.

---oooOOOooo---

In the matter of the application of Ezbie Daniels et al.

EASTER WILLIAMS called and sworn by Commissioner T.B.Needles testified as follows:

By Mr. Smith, of counsel for applicant.

Q What is your name? A Easter Williams.
Q Do you know this applicant, Ezbie Daniels? A Yes, sir, slightly acquainted with him for 35 years.
Q Do you know where she lived? A Yes sir.

Q ...you were ...ment A Yes sir.
Q ...she been living since you knew her A ...Caney.
Q ...know who her people were during the war A Yes sir, Walker Terry, she said it was, I knowed some of them on Grand river.
Q Did you know her before the war? A Yes sir.
Q ...know her during the war? A Yes sir.
Q You don't know anything about her citizenship? A No sir, not personally.

By Mr. Hastings, Counsel for opposing applicant:
Q ...old are you? A I'm about 72 years old.
By Examiner of the Applicant:
Q ...do you live for Vann Buffalo? A I don't know.
Q ...know him? Yes sir.
Q But you don't know how far you live from him? A No, sir.
Q ...did you see W.H.Foreman first after the war? A At Gibson.
Q When was that? A I don't know.
Q Before you left the nat? A Yes sir.
Q ...your husband there then? A He was in the army.
Q What time of the year was it? A Cole in there, I don't know the month.
Q And you don't know the year? A No, sir.
Q At what place was it? A Right in here where I was hired out.
Q At whose house? A I dont know, I don't remember the name.
Q You remember seeing this man though? A Yes sir.

William Foreman, called and sworn as a witness for the applicant.

By Mr. Spring-
Q What is your name? A William Foreman.
Q What is your post-office address? A Tahlonah.
Q What is your age? A 66 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Mrs. Hamilton? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Were she a citizen? A Yes sir.
Q Who did she belong to? A Thomas Carey.
Q Was he a citizen of the Cherokee Nation? A Yes sir, by adoption his first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Mankr t.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation? A Yes sir.
Q How far did they live from you at the time of the war? A I was living 30 miles north of their place when the war commenced.
Q He was here when the war commenced? A Yes sir in Delaware district Cherokee Nation at Carey's Ferrie.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I dont.
Q When did you first see her after the war in the Cherokee Nation at Vinita before the Wallace Court.
Q Did you testify for her there? A I might have, I dont recollect, I think I did on the new roves.
Q Did you know her husband? A Yes sir.
Q Was his name ...? A Yes sir.
Q Was he a citizen? A Yes sir.
Q Who did he belong to? A Jack Hamilton.
Q Was Jack Hamilton a Cherokee citizen? A Yes sir.
Q Do you know if he was living out of the Cherokee Nation during the Civil war? A I dont tell, of my own knowledge.

Q When did you first see Sally Bark here after the war? A At Vinita before the Wallace Comm.

POLLY WIVENS, called and sworn as a witness for the applicant- by Mr. Smith:

Q What is your name? A Polly Wivens.
Q How old are you? A 86
Q Do you know this applicant here? A Yes sir.
Q When did you first get acquainted with her? A Just after peace was made I met her.
Q You didnt know her before the war? A No sir.
Q You dont know who she belonged to? A No sir.
Q Where did you first see her after the war? A At Fort Gibson.
Q How long after peace was declared? A As we call, peace was declared in the summer and she came in the fall, the first fall after peace.
Q How long did she stay around there? A I guess she staid there a little over a year, I seed her around there about that long.
Q Did you know her after that when she went up on Caney to live? A No sir.
Q Never have seen her home on Caney? A No sir.
By Cadiness-
Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was here though.
Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.
Q What name did she go by then? A Currye.
Q Was she married then? A I don't know; she said when she came there that her husband was in the army.
Q How long after that before you saw her husband? A I dont remember, didn't pay no attention to him, so I didn't.
Q You dont remember him? A Yes sir, but I dont know how long after that that I seed him.
Q How many children did she have there? A Only that white one.
Q Was that a girl or a boy? A Girl.
Q Do you know Sallie Bascom? A Yes sir that is my grandmother.
Q Did she live in town? A She lived at the lake, this side of Coweta Vann's.
Q And this woman lived down there close? A Yes sir.
By Commission of applicant-
Q Did you ever draw money for warrant? A Yes sir.
Q Did you draw your sixty money? A No sir.

Applicant not found on the authenticated roll of 1880.
Applicant not found on the Census roll of 1890.
Applicant not found on the Vann Cliftenroll.
Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2038 Andrew Daniels, Cherokee Nation.
Page 111 No.2039 Mollie Daniels
Vann Clifton Roll examined and the name of applicants child found as follows-
Page 124 No.3063, Frank Daniels, Delaware district.

Q Did you ever apply to the Choctaw authorities to have your name put on the 1896 roll? A Yes sir.
Q Where did you apply? A At Clarksure.
Q That was when they was around taking the census? A Yes sir.
Q You never went to Tahlequah to have it done? A No sir.
Q Did your husband? A No sir.
Q You didn't get your sixty money for yourself or husband? A Only only for the children, so and the old man and Bettie was left out.

In Martha Daniels' Case.

Tom Clifton, full blood and the applicant child Martha [illegible]

Page 122 No.3004 Martha Daniels, Delaware District.

By Corp Bowlegs

Fibbie Daniels applies for herself, her husband Andy and son Frank, and for a grand daughter Martha, 12 years of age. The said Fibbie and Andy Daniels are not identified on any roll except the Wallace roll, but her son Frank is identified on the [illegible] roll. Applicant testifies that her grand daughter Martha, the above that she and her husband for choice is the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1866 or 1866. She has lived here ever since. She says that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Fibbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee freedmen on a doubtful card and the will be entitled by said of the final decision of the Commission.

Chas. Coffelt, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed) Chas. Coffelt.

Subscribed and sworn to before me this the 5th of July, 1901.

(signed) T. B. Needles,
Commissioner.

L. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete [illegible] of the original manuscript.

L. D. Green

Subscribed and sworn to before me this November 21, 1901.

[illegible]
COMMISSIONER

Notary Public.

N.D. 931

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901

Given under my hand this ....

day of .... A. D. 1901.

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of SEP 18 1901, 1901.

....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to ....

....

on the ..... day of ..... A.D. 1901

....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Thomas Daniels for enrollment as a Cherokee citizen:

Case No. D 931

To Thomas Daniels or Mellette & Smith His Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on Oct 1st at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible] Sept 90

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

Fyle with Thomas Daniels et al C.F.D. 931

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24, 1899.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. F. D. 1000

W. W. Hastings attorney for the Cherokee Nation.
Wallette & Smith attorneys for the applicant(s).

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 33 and 4.
Q What is your post office? A Welcom.
(By Hastings)
Q How far do you live from the town of Caney? A About 7 miles north
Q Do you know a colored man in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir, I don't
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their home.
Q How long has he been living out in this vicinity? A Ever since the Delawares came there.
Q What year did the Delawares come there? A In 1867.
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families came first; the first ones that started they stopped here on Grand river, and I came with them, we stopped with the Pyandotts first and then came on.
Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January '68.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you came to see him? A I and another boy got on our horses and went visiting and we run in to the camps there on Caney and I saw him.
Q Whose camps? A The Delaware camps.
Q How far was that from where this Andrew Daniels is now living? A
A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you came to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A Must have been about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q Where did you move from the Cherokee Nation? A Kansas.
Q Near what place in Kansas, now? A We went to live 2 or 3 miles north east of Lawrence.
Q You didn't come here when the regular boat of Delaware came? A C sir we came before and stopped at the Tyanditte reservation and staid all winter.
Q You stated that you knew Andrew Daniels in Kansas? A Yes sir.
Q Can you give the year that you knew him in Kansas? A It must have been about '65 he was working in the hay field when I saw him first.
Q Did you ever see him any more after '65? A Yes sir.
Q Where? A He was working for Tom from where I lived, working for old man Sarcoxie.
Q How long after that before you next saw him? A That have been about a year.
Q How long had it been since you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Nation you say in '68 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.
(By Hastings)
Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left up there about the first of '68? A I cant tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left there had you seen him? A I dont remember that
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and came down here? A No sir I dont know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.
(By the Commission)
Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1868? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection of meeting him from '65 until you left in 1868? A No sir I never paid any attention to the fellow; the way I got acquainted with him was in the hay field in '65 or '6.
Q Have you any recollection of seeing him from that time until '68? A No sir.
Q If he was living in your neighborhood then you dont recollect it? A No sir.

(Continued by stenographer Bruce C. Jones)

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Chas. von Weise, being duly sworn, states that as stenographer to the Commission to the [illegible] tribes he reported in full all the proceedings [illegible] and that the foregoing is a full, true and correct [illegible] of the stenographic notes therein.

Subscribed and sworn to before me this 7th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows, through Joe B. Parker, interpreter:

Q Give me your full name please? A John Young.
Q How old are you? A About 38.
Q What is your postoffice? A Tahlequah.
Q Are you a native of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.
Mr. Hastings: How far do you live from the town of Dewey? A About six Miles.
Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
Q Did you come with the Delawares when they came to this country? A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
Q What camp? A A little west of Lawrence.
Q Kansas? A Yes, sir.
Q Then what became of Andrew Daniels? A He came down with them.
Q Came down with the Delawares? A Yes, sir.
Q Where did he come to? A Here on Caney, Cherokee Nation.
Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
Q That is Andrew Daniels? A Yes.
Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.
Q When he came back did he have his family? A Yes, He had his family.
Q Well, have you known him here then ever since? A Yes.
Q Well, he has a wife and some children, has he? A Yes.
Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state that near that way in? A No, I think it was about '67.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning: when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Did that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you know anything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pecharcki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time?

A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometime along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

right close to where I lived making ties.
Q That was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q So 's understand that; you came down here along in June?
A Yes, sir.
Q How was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with the Delawares? A Well I don't know, I just supposed the old lady Fosherett hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edmund Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Near where you live now? A Right near where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognised citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home; I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '63, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I can't tell you just exactly, about 30 years ago, or 35.
Q Directly after the war? A Just after the war two or three years.
Q Now when you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '63, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Fort Smith.

Q Did he have any colored people with him? A No, sir.
Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Annie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June or '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet..
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over there on Grand River, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewheres about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the Ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri. I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith: was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
Q You see any other members of your father's family there? A No, sir
Q How long had your father been in Fort Smith at the time you saw him? A He had been there a week or two.
Q That was June, 1863? A June, 1863, as well as I recollect.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or two of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and him and his darkies went together, I [illegible] I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from June or '63, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al; and also in Cherokee Freedman Doubtful cases D-912, D-919, D-951, D-962, D-965, and D-971.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

P. .T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of--

Andrew Daniels, et al.,	Cherokee Freedmen	D	969
Nancy Claggett, et al.,	"	D	812
LucindaDaniels, et al.,	"	D	813
Thomas Daniels, et al.	"	D	951
Lewis Daniels, et al.	"	D	962
Charles Daniels et al.	"	D	963
Jonas Daniels et al.	"	D	971

D E C I S I O N.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1866. It further appears that all the applicants, other than those named in this paragraph, are the descendants of said Ibbie Daniels and were born since 1866.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie E. Claggett, Lucinda Daniels, Thomas Daniels, Josephene Daniels, Lewis Daniels, Charles Daniels and James Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so Ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedmen be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Bixby,
Chairman.

" T. B. Needles,
Commissioner.

" C. R. Breckinridge,
Commissioner.

" W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this March 8, 1904.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Thomas Daniels,
Dewey, I. T.
Cherokee F-D-231
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
2045; 2046; 2047;
2048; 2049; 2050;
2051.

Muskogee, Indian Territory, March 14, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1906, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and Jesse Daniels and Henry, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie E. Claggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. W-61

Commissioner in Charge.

Cherokee Freedmen
D-931.

Muskogee, Indian Territory, April 26, 1904.

Ibbie Daniels,

Bowey, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of your two children, Thomas and Josephine Daniels, as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-15.

Cherokee Freedmen
D-[illegible] et al.

Muskogee, Indian Territory, April 26, 1904.

Edgar Smith,

Attorney for Ibbie Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ibbie Daniels et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Louis and Charles Daniels, Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Jessie M. Claggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

Respectfully,

Chairman.

Register

Enc. D-19.

C#2 796
C#1379

Muskogee, Indian Territory, July 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I am in receipt of your letter of June 13, 1905, (I. T. D. 5038-1904) in which you state that on June 27, 1904, the Department approved the decision of the Commission to the Five Civilized Tribes in the Cherokee Enrollment case of Samuel Whitmire, except in so far as it affected the applicants, Samuel, Earnest, Levi, Benjamin, Harvey, Blanche, and Bookher Whitmire, and this office was directed to notify the principal applicant and the Attorneys for the Cherokee Nation of the favorable recommendation of the Indian Office as to the above named applicants, and allow said attorneys thirty days within which to file any argument they might desire, and the applicants ten days within which to reply to same, and it was further stated that you desired that this office report as early as practicable the date upon which the above named parties were so notified, and whether any argument had been filed in the case.

In reply thereto I beg to report that the records of this office show that on January 2, 1904, the Commission to the Five Civilized Tribes rendered a judgment granting the application for the enrollment of Samuel Whitmire, Earnest Whitmire, Levi Whitmire, Benjamin Whitmire, Harvey Whitmire, Blanche Whitmire, and Bookher

Whitmire, and denying the application of Lydia Whitmire. That on June 27, 1904, (I. T. D. 5038-1904) the Department affirmed the decision of the Commission as to the persons granted, but as to Lydia Whitmire this office was instructed to notify the principal applicant and the attorneys for the Cherokee Nation of the recommendation of the Acting Commissioner as to the enrollment of Lydia Whitmire, and allow said attorneys thirty days in which to file any argument they may desire, and the applicant ten days within which to reply to same. That in accordance with the letter of the Department of said date, June 27, 1904, Samuel Whitmire, Earnest Whitmire, Levi Whitmire, Benjamin Whitmire, Harvey Whitmire, Blanche Whitmire, and Bookher Whitmire were placed upon a partial roll of Cherokee Freedmen opposite Nos. 3318, 3319, 3320, 3321, 3322, 3323, and 3324 respectively, which was approved by the Department November 16, 1904.

That as to Lydia Whitmire, I desire to report that on August 6, 1904, in accordance with said Departmental letter of June 27, 1904, the Cherokee Nation was given thirty days to file argument as to her, and the applicant ten days to file reply, but the records of this office do not disclose that any brief or argument was filed by either the Cherokee Nation or by the applicant.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Cher Fr 1320

Cher Fr 1320

See Cher Fr 1316, K 219

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29, 1901.

In the matter of the application of Lewis Daniels for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Jas Davenport, for the Cherokee Nation.

Q What is your name? A Lewis Daniels.
Q How old are you? A 27.
Q What is your post-office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You apply to be enrolled as a Cherokee Freedman do you? A Yes sir.
Q You want to enroll anybody besides yourself? A No sir.

BY MR. SMITH:

Q Ibbie Daniels your mother? A Yes sir.
Q How old are you? A 27.
Q Where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I was raised there.
Q Is your mother, Ibbie Daniels, the same Ibbie Daniels, who applied for enrollment before this Commission the other day? A Yes sir

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified nowhere thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

By Com'r Needles:

Q Where were you born? A On Big Caney.
Q Was that in the Cherokee Nation? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir, all my life.
Q What is your father's name? A Andy Daniels.
Q What is your mother's name? A Ibbie Daniels.
Q Are you married? A No sir.
Q You ever been married? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 111 #2365 Lewis Daniels, "Cherokee Nation."

BY MR. DAVENPORT:

Q Where was you living when the Wallace roll was made? A I was living at Dewey.
Q When the Wallace roll was made? A I was living on Big Caney, when the Wallace roll was made.
Q What direction from Bartlesville? A North of Bartlesville.
Q You was living in the Osage Nation then? A No sir.
Q How long since you lived in the Osage Nation? A I never lived in the Osage Nation.
Q How long since you lived in Kansas? A Never lived in Kansas.
Q Never lived anywhere but the Cherokee Nation? A No sir.

Com'r Needles: Lewis Daniels applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 he is identified upon the Wallace roll and makes satisfactory proof as to residence; he

Lewis Daniels 2-

avers that he is a child of Ibbie Daniels and Andy Daniels, and the testimony taken in the application of Ibbie Daniels, on D card 859, will be made a part of the record in the case at bar, and a copy thereof filed herewith. Said Lewis Daniels will now be listed for enrollment as a Cherokee Freedman on a doubtful card, - he will be notified by the Commission at his post-office address of their action in the premises.

---***---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 12, 1901.

Commissioner.

B 7 19462

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED,
JUN 29 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 29, 1905

Post Office Delvey, I.T.

District Coo

1. Name Lewis Daniels Age 27

Owner's name ... Citizenship ...

Year Wallace Page 111 No. 2365 District Cherokee Nation

Parents:

Father Cindy Daniels—living Citizenship Cher. Freed

Mother Dobie Daniels—living Citizenship Cher. Freed

2. Name of wife ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. ... Year ... Page ... No. ... Dist. ...
4. ... Year ... Page ... No. ... Dist. ...
5. ... Year ... Page ... No. ... Dist. ...
6. ... Year ... Page ... No. ... Dist. ...
7. ... Year ... Page ... No. ... Dist. ...
8. ... Year ... Page ... No. ... Dist. ...
9. ... Year ... Page ... No. ... Dist. ...
10. ... Year ... Page ... No. ... Dist. ...
11. ... Year ... Page ... No. ... Dist. ...
12. ... Year ... Page ... No. ... Dist. ...

Application made by W. A. Stapler Stenographer W. A. Spitler,

Contested

Represented by Willette and Smith.

NED 962

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of..... .....A. D. 1901

Given under my hand this .....

day of ....A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of SEP 16 1901, 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .....day of.....A.D.1901

.....

Subscribed and sworn to before me this .....day of.....A.D.1901.

.....

Notary Public.

FILED
SEP 20 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of ~~Lewis Daniels~~ for enrollment as a Cherokee citizen:

Case No. D 962

To Lewis Daniels or Mallette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on ~~Oct.~~ ~~1st~~ ~~Oct.~~ or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. D. Bell

U. S. Interpreter

Attorneys for the Cherokee Nation.

NOTICE!

IN THE MATTER OF the application of Lewis Daniels et Mollette for enrollment as a Cherokee citizen:

Case No. D 962

To Lewis Daniels or Mollette & Mitch his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on Oct. 1st or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

W. W. Hastings

Attorneys for the Cherokee Nation.

No NTD 96 2

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ..... by delivering a true copy thereof on the ..... day of ..... A. D. 1901

Given under my hand this ..... day of ..... A. D. 1901.

..... Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of SEP 18 1901.

Mellette & Smith
..... Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to ..... on the ..... day of ..... A.D. 1901

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1901

Acting Chairman.

X E96V

...PA...
COMMISS ON ...
...ED TRIBES
SEP ...
...NG CHAIRMAN

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, [illegible], 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedman.

[illegible]
Attys for applicant

Cherokee Freedman # [illegible]

File with C.P. D-968, Lewis Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25,1901.

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith, for applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand childre here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of1880? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was you father's name? A Thomas Watie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir, He can't come here to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

MELLETTE, SMITH:

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I have not got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels not? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you got a farm there? A I have had it fenced, we haven't out there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q How old is Louisa, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their names? A Jim, Emiline and Charley.
Q What has become of Jim and Emiline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you alive before the war? A Yes, sir.
Q Whom did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand river.
Q Where were you living at the time the war come up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I come back after Abraham Lincoln got killed; come back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney? A I ain't been living at no other place.
Q This child, Frankie, you apply for is that a boy or girl? A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived any where except the Cherokee Nation?
A No, sir, never did.

BY CO-UP WEEDLUS:

Q What is the reason your husband isn't here? A He is paralyzed and could not walk.
Q Not able to come? A No, sir.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you come up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one out her daughter.

Q What was her daughter's name? A Fanee Polly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I came there in the fall.
Q In the fall of '65? A Yes, sir
Q What time did you leave there? A I left there in the spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A Nobody but the Osages.
Q - Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy?
A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney?
A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born?
A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you?
A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COM'R WORTLEY:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q Been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emoline and stated that Emoline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, the rest is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis; Jones ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jones live? A Cherokee Nation.
Q Now about Martha Ann? A She ain't never lived no where else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COWEN RIDDLES:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married A Yes, sir.
Q What was her name? A Ellen Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you called up here know about this

marriage of your son? A Lewis Daniels I guess know it.
Q There were they married? A On Caney.
Q How long did they live together? A About eight or nine years.
Q Did they live together as man and wife? A Yes, sir.
Q In the house where you were living? A Yes, sir.
Q Did he ever any any other wife? A No, sir, not as I know of.
Q Did she ever have another husband? A Not as I know of.
Q Did the people in the community call them husband and wife, regard them as husband and wife and receive them as husband and wife? A Yes, sir.

BY U. S. ATTORNEY:

Q Did she have any children before she married him? A No, sir.
Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and ... if before you moved up to Caney? A Well, we did.
Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.
Q About how long had you been at Fort Gibson until your husband come, or did he come first? A He come after he was mustered out and I don't know when he was mustered out.
Q I want to know how long that was after he came up there? A Little over a month.

L.D.DANIELS, being first duly sworn by Commissioner T.B. Needles, testified as follows: EXAMINATION BY MR. SMITH:

Q State your name? A L.D.Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a Freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.
Q How long have you known her? A I have knowed her ever since I was.
Q Did you see her in 1865? A I seen her sir.
Q Where? A Fort Gibson.
Q What time in '65? A It was in the fall.
Q State the circumstances of your seeing her? A Well, there was wagons come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.
Q How long did she remain in that settlement, do you know? A Well, she remained there I guess a year or such a matter.
Q You don't know exactly how long she stayed? A No, because sometimes I could see her sometimes twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to draw rations I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over on Caney four miles above Hartleyville, north.
Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.
Q Do you know her children? A Well, she had three to Fort Gibson, two girls and a boy.
Q She had three you say? A Yes, sir, three.
Q Do you know how many she has had since that time? A She has got a house full now, I haven't been to her house since '86 I was over there then and there was five I know was down with the chills then in '86.
Q You don't know how many there was that didn't have the chills? A No, sir, there was a good many running around there.
Q Did you know Andy, her husband? A Andy Daniels, Yes sir.
Q Do you know whether Andy was out of the Cherokee Nation during

she was? A Yes, sir, she belonged to the Saponi Reservation.
Q Do you know when he came back? A He came up to Gibson after that, he came there and got this woman down there, I don't know whether it was in '67 or the latter part of '67.
Q Do you know when Andy was discharged out? A No.
Q Do you know of your own personal knowledge when he came back to the Cherokee Nation? A No, because I was living to Gibson and he wasn't mustered out there and I could not tell you what time he hit the other part of the Cherokee Nation.
Q Was Ebbie a slave? A I always know the former owners to hold.
Q You didn't get acquainted with her until '65? A Yes, sir, not until to Gibson.

EASTER WILLIAMS:

Q When did you first see Andy Daniels after the war? A I think it was in '67 or either latter part of '66 when he came to Gibson.
Q And that is the time you seen him in Gibson after the war? A Yes, sir, I seen him in the army.
Q With whom was this woman living down there when you knew her first after the war? A She came there every time she would come to get rations she would come with Isaac Sango's wife.
Q What was her name? A I don't know, claimed to be her mother.
Q Claimed to be whose mother? A This woman's mother.
Q You didn't know whose house she stayed? A She stayed at her own house on the old Lake, about a mile from Houston Benge's
Q You saw her three children at that time? A Yes, sir, and I seen her children there too.
Q What were the names of these children you saw at that time? A I don't know, it was strange to see a Cherokee with a little white child and she had a white child at that time.
Q Well do you know that she continued to reside around there at that time? A She stayed around there four or five months to my knowledge.
Q You would see her about when she come and get her feet under the table to get rations? A She come to the old house the people applied to get the rations.
Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around there four or five months.
Q To be positive about that? A Yes, sir.

Remainder of application taken by stenographer, Chas. von Weise.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 12th day of July, 1901.

(signed)T.B.Needles,
Commissioner.

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Continued from Stenographer, J.O.Rosson. • • •

Newsom, I. T., June 25th, 1901.

In the matter of the application of Ebbie Daniels et al.

EASTER WILLIAMS called and sworn by Commissioner T.B.Needles testified as follows:

By Mr. Smith, of counsel for applicant-

Q What is your name? A Easter Williams.
Q Do you know this applicant, Ebbie Daniels? A Yes, sir, slightly acquainted with her for 25 years.
Q Do you know where she lives? A Yes sir.

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Q Do you know how old? A No sir.
Q Where has she been living since you knew her? A On Caney.
Q Do you know who her owners were during the war? A Yes sir, Walker Berry, she said it was, I knowed some of them on Grand river.
Q Did you know her before the war? A No sir.
Q Did you know her during the war? A No sir.
Q You dont know anything about her citizenship? A No sir, not personally.

By Mr.Hastings, Cherokee representative:
Q Did you see her in '66? A Just about 25 years ago.
By Mr.Hastings of the applicant:
Q How far do you live for John Parker? A I dont know.
Q Do you know him? A Yes sir.
Q But you dont know how far you live from him? A No sir.
Q When did you see W.H.Foreman first after the war? A At Fort Gibson.
Q When was that? A I dont know.
Q Before you left there? A Yes sir.
Q Was your husband there then? A No sir he was in the army.
Q What time of the year was it? A Cold weather, I don't know the month.
Q And you dont know the year? A No sir.
Q At what place was it? A Right in town where I was hirled out.
Q At whose house? A I dont know, I dont remember the name.
Q You remember seeing this man though? A Yes sir.

William Foreman, called and sworn as a witness for the applicant-

By Mr. Smith,-
Q What is your name? A William Foreman.
Q What is your post-office address? A Wagoner.
Q What is your age? A 64 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Ethis Daniels? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Thomas Carey.
Q Was he a citizen of the Cherokee Nation? A Yes sir, by adoption his first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Muskrat.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation? A Yes sir.
Q How far did they live from you at the time of the war? A I was living 30 miles north of their place when the war commenced.
Q He was here when the war commenced? A Yes sir in Delaware district Cherokee Nation at Carrey's Prairie.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I dont.
Q When did you first see her after the war in the Cherokee Nation? A At Vinita before the Wallace court.
Q Did you testify for her there? A I might have, I dont recollect, I think I did as to her owners.
Q Did you know her husband? A Yes sir.
Q Was his name Andy? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Zeek Daniels.
Q Was Zeek Daniels a Cherokee citizen? A Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the Civil war? A I cant tell, of my own knowledge."

Q When did you first see Sally Bean here after the war? A At Vinita before the Vallieu court.

POLLY HIVERS, called and sworn as a witness for the applicant-

By Mr. Smith:

Q What is your name? A Polly Hivers.

Q How old are you? A 56

Q Do you know this applicant here? A Yes sir.

Q When did you first get acquainted with her? A Just after peace was made I met her.

Q You didnt know her before the war? A No sir.

Q You dont know who she belonged to? A No sir.

Q Where did you first see her after the war? A At Fort Gibson.

Q How long after peace was declared? A In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.

Q How long did she stay around there? A I guess she staid there a little over a year, I seed her around there about that long.

Q Did you know her after that when she went up on Caney to live? A No sir.

Q Never have been at her house on Caney? A No sir.

By Hastings-

Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was hers though.

Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.

Q What name did she go by then? A Carrye.

Q Was she married then? A I don't know; she said when she came there that her husband was in the army.

Q How long after that before you saw her husband? A I dont remember, didn't pay no attention to him, no I didn't.

Q You dont remember him? A Yes sir, but I dont know how long after that that I seed him.

Q How many children did she have there? A Only that white one.

Q Was that a girl or a boy? A Girl.

Q Do you know Sallie Bacon? A Yes sir that is my grandmother.

Q Did she live in town? A She lived at the lake, this side of Connan Vann's.

Q And this woman lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for Martha? A Yes sir.

Q Did you draw your strip money? A No sir.

Applicant not found on the authenticated roll of 1880.
Applicant not found on the Census roll of 1896.
Applicant not found on the Kern Clifton roll.
Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2360 Andrew Daniels, Cherokee Nation.
Page 111 No.2361 Ebbie Daniels "
Kern Clifton roll examined and the name of applicants child found as follows-
~~Page 124 No.3083, Frank Daniels, Delaware district.~~

Q Did you ever apply to the Cherokee authorities to have your name put on the 1880 roll? A Yes sir.

Q Where did you apply? A At Claremore.

Q That was when they was around taking the census? A Yes sir.

Q You never went to Tahlequah to have it done? A No sir.

Q Did your husband? A No sir.

Q You didn't get your strip money for yourself or husband? A No sir only for the children, me and the old man and Lewis was left out.

-9-

Q Is Martha living? Yes sir.

Kern Clifton roll examined and the applicants child Martha identified asfollows-
Page 124 No.3096 Martha Daniels, Dulaware district.

By Comm'r Needles-

Ebbie Daniels applies for herself, her husband Andy one son Frank, and for a grand daughter Martha, 12 years of age The said Ebbie and Andy Daniels are not identified on any roll except the Wallace rolls; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She avers that she and her husband were slaves in the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen, Makes satisfactory pr of between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Ebbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

* * * * * * * * * *

Chas.vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 9th of July, 1901.

(signed)T.L.Needles,
Commissioner.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

W.D. Green

Subscribed and sworn to before me this November 21, 1901.

COMMISSIONER.

Notary Public.

File with Lewis Daniels C.F. 19.962.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8th, 1901.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. F. D #959

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicants.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 33 and 4.
Q What is your post office? A Vaiden.
(By Hastings)
Q How far do you live from the town of Caney? A About 7 miles north
Q Do you know a colored man in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir, I don't.
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle aged or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in there vicinity? A Ever since the ~~Daniels were there~~ Delawares came there.
Q What year did the Delawares come there? A In '66.
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families come first, the first ones that started they stopped here on Grand river, and I came with them, we stopped with the Wyandotts first and then come on.
Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January '68.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you came to see him? A I and another boy got on our horses and went visiting and we run on to the camps there on Caney and I saw him.
Q Whose camps? A The Delawares camps.
Q How far was that from where this Andrew Daniels is now living? A
A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you came to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A Must have been about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q [illegible] did you come from the the Cherokee Nation? A Kansas.
Q What part place in Kansas, now? A We used to live 3 or 3 miles north east of Lawrence.
Q You didn't come here when the regular band of Delawares came? A O sir we come before and stopped at the Wyandotte reservation and staid all winter.
Q You stated that you knew Andrew Daniels in Kansas? A Yes sir.
Q Can you give the year that you knew him in Kansas? A It must have been about '65 we was working in the hay field when I saw him first.
Q Did you ever see him any more after '65? A Yes sir.
Q Where? A He was working not far from where I lived, working for old man Sarcoxie.
Q How long after that before you next saw him? A Must have been about a year.
Q How long had it been since you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Natio you say in '68 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.

(By Hastings)

Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left up there about the first of '68? A I cant tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left there had you seen him? A I dont remember time.
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and come down here? A No sir I dont know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.

(By the Commission)

Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1868? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection of seeing him from '65 until you left in 1868? A No sir I never paid any attention to the fellow; the way I got acquainted with him was in the hay field in '65 or '6.
Q Have you any recollection of seeing him from that time until '68? A No sir.
Q If he was living in your neighborhood then you dont recollect it? A No sir.

(Continued by stenographer Bruce C. Jones)

Chas. von Weise, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 7th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows through Joe B. Parker, interpreter:

Q Give me your full name please? A John Young.
Q How old are you? A About 55.
Q What is your postoffice? A Welden.
Q Are you a native of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.

Mr. Hastings: How far do you live from the town of Dewey? A About six miles.

Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
Q Did you come with the Delawares when they came to this country? A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
Q What camp? A A little west of Lawrence.
Q Kansas? A Yes, sir.
Q Then what became of Andrew Daniels? A He came down with them.
Q Came down with the Delawares? A Yes, sir.
Q Where did he come to? A Here on Caney, Cherokee Nation.
Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
Q That is Andrew Daniels? A Yes.
Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.
Q When he came back did he have his family? A Yes, he had his family.
Q Well, have you known him here then ever since? A Yes.
Q Well, he has a wife and some children, has he? A Yes.

Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '8?.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning; when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Did that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you knowanything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pecharoki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time?

A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometimes along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

right close to where I lived making ties.
Q That was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q Let's understand that; you came down here along in June?
A Yes, sir.
Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Peacheck hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edmund Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Near where you live now? A Right near where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home; I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '63, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I can't tell you just exactly, about 30 years ago, or 35.
Q Directly after the war? A Just after the war two or three years.
Q Now when you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '63, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Fort Smith.

Q Did he have any colored people with him? A No sir.
Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet..
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over there on Grand River, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewheres about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith; was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
Q You see any other members of your father's family there? A No, sir
Q How long had your father been in Fort Smith at the time you saw him? A He has been there a week or two.
Q That was June, 1863? A June, 1863, as well as I recollect.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or two of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and him and his darkies went together, and me, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from June 27, '63, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al; and also in Cherokee Freedman Doubtful cases D-912, D-913, D-931, D-968, D-973, and D-971.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Millette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17309, filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Louis Daniels, D 869;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothemberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of

Andrew Daniels, et al.,..	Cherokee Freedmen	D	859
Nancy Claggett, et al.,..	"	"	D 912
Lucinda Daniels,.....	"	"	D 913
Thomas Daniels, et al.,..	"	"	D 951
Lewis Daniels,.....	"	"	D 962
Charles Daniels,.....	"	"	D 963
Jonas Daniels,.....	"	"	D 971

D E C I S I O N.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself..

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph are the descendants of said Ibbie Daniels and were born since 1866.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett, Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Jessie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephine Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Lew J Daniels,
[illegible]ewey, I. T.
Cherokee [illegible]-962
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
[illegible]
Dawes.

Muskogee, Indian Territory, March 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and James Daniels and Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Chappell as Cherokee Freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1903.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. T-41

Commissioner in Charge.

Cherokee Freedmen
D-699 et al.

Muskogee, Indian Territory, April 26, 1904.

Edgar Smith,

Attorney for Ibbie Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ibbie Daniels et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis and Charles Daniels, Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Clamgott as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1903.

Respectfully,

Register

Chairman.

Enc. D-19.

Cherokee Freedmen
D-968.

Muskogee, Indian Territory, April 26, 1904.

Lewis Daniels,

Dewey, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-17.

Cher Fr 1321

Cher Fr 1321

See Cher Fr 1316; R249, 146

REJECTED, as to wife, Susan.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29,1901.

In the matter of the application of Charles Daniels for the enrollment of himself as a Cherokee Freedman and for his wife as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Charles Daniels.
Q How old are you? A 39 years old.
Q What is your post-office? A Bartlesville.
Q What district do you live in?A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman?A Yes sir.
Q Who do you want to enroll besides yourself? A My wife.
Q Anybody else? A No sir.
Q What is your wife's name?A Susan Daniels.
Q How old is she? A I don't know exactly how old she is.
Q Well about how old? A Between 50 ar 60.
Q She is older than you are then?A Yes sir.
Q Is she a citizen? A Non-citizen.
Q You apply to have her enrolled as an intermarried citizen?
A Yes sir.
Q What is your father's name?A Andy Daniels.
Q What is your mother's name? A Ibbie Daniels.
Q Where were you born? A In the Cherokee Nation.
Q Where have you lived all your life? A Right north of Bartlesville.
Q Where were you married? A In the Cherokee Nation.
Q When? A After the Lightning Creek Payment.
Q Have you got any certificate of marriage? A (Produces papers)
Com'r: The applicant presents a marriage license and certificate of marriage, certifying that he was married according to the laws of the United states on the 26th day of April, 1898, to one Miss Susie Johnson.

Q Your wife was named Susie Johnson when she married was she?
A Yes sir.
BY MR. SMITH:
Q Where do you live? A I live north of Bartlesville.
Q How long have you lived there? A All my life.
Q How far from Bartlesville? A Three miles.
Q In the Cherokee Nation? A Yes sir.
Q Is the Ibbie Daniels who applied here for enrollment the other day your mother? A Yes sir.
Q AndyDaniels your father? A Yes sir.
BY MR. DAVENPORT:
Q You say you have lived over there about Bartlesville all your life? A Yes sir.
Q Were you born over there? A Yes sir.
Q You were born over there then before the war? A Yes sir.
Q Your father didn't livbover there at that time did he?A Yes sir, he lived over there.
Q Where did you go during the war? A I never went anywhere.
Q You was hardly old enough to remember the war was you? A I was just a little fellow, I can't recollect it.
Q Where have you lived since you can remember? A That's all the place since I can remember.
Q Did I understand you to say your father didn't leave the Cherokee Nation at all during the war? A No sir.
Q Did your mother leave the Cherokee Nation during the war? A Nosir
Q Both of them remained in the Cherokee Nation during the war?

A Yes sir.
Q And have continued to reside there ever since? A Yes sir.
Q And you have resided continuously in the Cherokee Nation ever since you can remember? A Yes sir.
Q Were you married in the Cherokee Nation? A Yes sir.
Q You have no children? A No sir.

BY MR. SMITH:

Q Can you remember of your own knowledge and testify from your own recollection as to what took place during the war? A No sir.
Q You are just testifying from your hearsay as to what took place before the war and during the war? A No sir, I couldn't tell you anything about the war.

BY COM'R NEEDLES:

Q Did you draw Strip money? A Yes sir.
Q You know you did? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 184 #4535 Charles Daniels, Cooweescoowee District; Wallace roll ofcitizensof the Cherokee Nation examined and applicant identifiedon page 111 #2362 Charles Daniels, Cherokee Nation.

Com'r Needles: Charles Daniels applies for the enrollment of himself as a Cherokee Freedman and his wife Susue as a Cherokee Freedman by intermarriage; he avers that he is a child of Ibbie Daniels and Andy Daniels, and his attorney asks that the testimony taken in thematter of the enrollment of said Ibbie Daniels, D card number 859, be made a part of the record in the case at bar, and a copy thereof will be filed herewith. Said Charles Daniels makes satisfactory proof as to his residence; he cannot be found upon the authenticated roll of1880 or the census roll of 1896; but is identified upon the Kern-Clifton and the Wallace rolls according to page and number of the rolls as indicated in thetestimony, and nowsaid Charles Daniels will be listed for enrollment as a Cherokee Freedman on a doubtful card; he presents satisfactory marriage proof to his wife, Susie, in the year 1898, too late, under the laws of the Cherokee Nation forintermarried persons to acquire rights by intermarriage, and consequently, the enrollment of his wife, Susie, will be rejected.

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M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcriptof his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 13, 1901.

Commissioner.

FILED
JUL 19 1901
THE FIVE CIVILIZED TRIBES

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I D963

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 29 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 22, 1904

Post Office Bartlesville I.T.

District Coo

1. Name Charles Daniels Age 39

Owner's name ... Citizenship ...

Year 1880 Page 24 No. 4533 District Coo

Parents:

Father Andy Daniels living Cher. Freed

Mother Dobie " " " "

2. Name of wife [redacted]

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. [redacted] Year ... Page ... No. ... Dist. ...

4. Year ... Page ... No. ... Dist. ...

5. Year ... Page ... No. ... Dist. ...

6. Year ... Page ... No. ... Dist. ...

7. Year ... Page ... No. ... Dist. ...

8. Year ... Page ... No. ... Dist. ...

9. Year ... Page ... No. ... Dist. ...

10. Year ... Page ... No. ... Dist. ...

11. Year ... Page ... No. ... Dist. ...

12. Year ... Page ... No. ... Dist. ...

Application made by [illegible] Stenographer [illegible]

1 Cr. Wallace roll P. 111 # 2362 — Cher. Nation

Examined by Miller and Smith

NOTICE!

IN THE MATTER OF the application of Charles Daniels
for enrollment as a Cherokee citizen:

Case No. D 963

To Charles Daniels or Pollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of

Indian Territory, on Oct. 1st 9 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell

W. P. Thompson Jr

Attorneys for the Cherokee Nation.

No NAD 963

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901

Given under my hand this ..... day of ..... A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of SEP 18 1901, 1901.

Millette & Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1901

ACTING COMMISSIONER.

SEP 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, [illegible], 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedmen.

[illegible]

Cherokee Freedmen #[illegible]

File with C.D. D-968, Charles Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26,1901.

In the matter of the application of Ettie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Collette & Smith, for applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ettie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Caneyhead.
Q You apply to be enrolled as Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but two three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is this once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand children here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll also? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was you father's name? A Thomas Watie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Was he been enrolled by us? A No, sir, He can't come here to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have not two. Frankie is the baby, I don't think that is older that is on the rolls.
Q How many children have you over 21 years of age? A I have not got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Clagett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A Two years or longer.
Q Have you got a farm there? A I have a field fenced, I haven't cultivated.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Clagett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Ollie Daniels et al 2

Q Where was Carey born? A She was born down here at Gibson after the war.
Q How old is Louise, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their names? A Jim, Emiline and Charley.
Q What has become of Jim and Emiline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you a citizen before the war? A Yes, sir.
Q Who did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand river.
Q Where were you living at the time the war came up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I came back after Abraham Lincoln got killed; came back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I came back with Government troops.
Q Who was with you when you came back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he came back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney? A I never been living at no other place.
Q This child, Frankie, you apply for is that a boy or girl? A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived anywhere except the Cherokee Nation?
A No, sir, never did.

BY MR. WORTHEN:

Q What's the reason your husband isn't here? A He is paralysed and could not walk.
Q Not able to come? A No, sir.

BY MR. WASTERS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you came back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you came up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a descendant of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one but her daughter.

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Q What was her daughter's name? A Named Nelly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I came there in the fall.
Q In the fall of '65? A Yes, sir
Q What time did you leave there? A I left there in the spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy?
A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney?
A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born?
A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you?
A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COM'R NICHOLS:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q He been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you an' he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emaline and stated that Emaline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Charles.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis; Jones ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jones live? A Cherokee Nation.
Q Now about Martha Ann? A She ain't never lived no wheres else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir; I have had her ever since she was a baby.
Q How old is she? A 18 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COL. RUNDLES:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married
A Yes, sir.
Q What was her name? A Ellen Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you calledup here know about this

Ibbie Daniels et al

marriage of your own? A Ibbie Daniels I guess know it.
Q Where were they married? A Ft Gibson.
Q How long did they live together? A About eight or nine years.
Q Did they live together as man and wife? A Yes, sir.
Q In the house where you were living? A Yes, sir.
Q Did she ever have any other wife? A No, sir, not as I know of.
Q Did she ever have any other husband? A Not as I know of.
Q Did the people in the community call them husband and wife, regard them as husband and wife and receive them as husband and wife? A Yes, sir.

CROSS EXAMINATION:

Q Did she have any children before she married him? A No, sir.
Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and a half before you moved up to Caney? A Why Well, we did.
Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.
Q About how long had you been at Fort Gibson until your husband came on did he come first? A He came after he was mustered out and I don't know when he was mustered out.
Q I want to know how how long that was after he came up there?
A Little over a month.

L.D.DANIELS, being first duly sworn by Commissioner T.B. Needles, testified as follows: EXAMINATION BY MR.SMITH:

Q State your name? A L.D.Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.
Q How long have you known her? A I have known her ever since 1855.
Q Did you see her in 1855? A I seen her sir.
Q Where? A Fort Gibson.
Q What time in '55? A It was in the fall.
Q State the circumstances of your seeing her? A Well, there was wagons came from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.
Q How long did she remain in that settlement, do you know?
A Well, she remained there I guess a year or such a matter.
Q You don't know exactly how long she stayed? A No, because sometimes I would see her three twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to Fort Gibson I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over on Caney four miles above Bartlesville, north.
Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.
Q Do you know her children? A Well, she had three to Fort Gibson, two girls and a boy.
Q She had three you say? A Yes, sir, three.
Q Do you know how many she has had since that time? A She has got a house full now, I haven't been to her house since '85 I was over there then and there was five I knew was down with the chills then in '86.
Q You don't know how many there was that didn't have the chills?
A Yes, sir, there was a good many running around there.
Q Did you know Andy, her husband? A Andy Daniels, Yes sir.
Q Do you know whether Andy was out of the Cherokee Nation during

this man? A Yes, sir, he [illegible] by the Second Russian.
Q Do you know when he came back to Gibson after that, he came there and got this woman down there, I don't know whether it was in '67 or the last part of '66.
Q Do you know when Andy was mustered out? A No.
Q Do you know of your own personal knowledge when he came back to the Cherokee Nation? A No, because I was living in Gibson and he wasn't mustered out there and I could not tell you what time he hit the other part of the Cherokee Nation.
Q Was Tiwis a slave? A I didn't know the former owners at all.
Q You didn't get acquainted with her until '66? A Yes, sir, not until to Gibson.

By Mr. HASTINGS:

Q When did you first see Andy Daniels after the war? A I think it was in '67 or either latter part of '66 when he came to Gibson.
Q And that is the time you seen him in Gibson after the war? A Yes, sir, I seen him in the '67.
Q With whom was this woman living down there when you knew her first after the war? A She come there every time she would come to get rations she would come with Isaac Grayson's wife.
Q What was her name? A I don't know, claimed to be Mar mother's.
Q Claimed to be whose mother? A This woman's mother.
Q You don't know whose house she stayed? A She stayed at her own house on the old Lake, about a mile from Houston Benge's.
Q You saw her three children at that time? A Yes, sir, and I seen her children there too.
Q What were the names of these children you saw at that time? A I don't know, it was strange to see a Cherokee with a little white child and she had a white child at that time.
Q Well do you know that she continued to reside around there at that time? A She stayed around there four or five months to my knowledge.
Q You would see her about when she come and get her feet under the table to get rations? A She come to the old House the people applied to get the rations.
Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around there four or five months.
Q To be positive about that? A Yes, sir.

Examination taken by stenographer, Chas. von Weise.
Remainder of application taken by stenographer, J.O.Rosson.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 13th day of July, 1901.

(signed)T.B.Needles,
Commissioner.

Continued from Stenographer, J.O.Rosson's notes of
Nowata, I. T., June 25th, 1901.

In the matter of the application of Tiwis Daniels et al
EASTER WILLIAMS called and sworn by Commissioner T.B.Needles testified as follows:

By Mr. Smith, of counsel for applicant.

Q What is your name? A Easter Williams.
Q Do you know this applicant, Tiwis Daniels? A Yes, sir, slightly acquainted with her for 35 years.
Q Do you know where she lives? A Yes sir.

POOR ORIGINAL

Q Do you know her children? A No sir.
Q Where has she been living since you know her? A On Caney.
Q Do you know who her owners were during the war? A Yes sir, Walker Berry, she said it was, I knowed some of them on Grand river.
Q Did you know her before the war? A No sir.
Q Did you know her during the war? A No sir.
Q You dont know anything about her citizenship? A No sir, not personally.

By Mr.Hastings, Cherokee representative:
Q Did you see her in 1866? A Just about 25 years ago.
By Mr.Hastings of the applicant:
Q How far do you live for John Parker? A I dont know.
Q Do you know him? A Yes sir.
Q But you dont know how far you live from him? A No sir.
Q When did you see W.H.Foreman first after the war? A At Fort Gibson.
Q When was that? A I dont know.
Q Before you left there? A Yes sir.
Q Was your husband there then? A No sir he was in the army.
Q What time of the year was it? A Cold weather, I don't know the month.
Q And you dont know the year? A No sir.
Q At what place was it? A Right in town where I was hirled out.
Q At whose house? A I dont know, I dont remember the name.
Q You remember seeing this man though? A Yes sir.

William Foreman, called and sworn as a witness for the applicant-

By MR. SMITH;-
Q What is your name? A William Foreman.
Q What is your post-office address? A Wagoner.
Q What is your age? A 68 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Ethie Daniels? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Thomas Carey.
Q Was he a citizen of the Cherokee Nation? A Yes sir, by adoption his first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Muskrat.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation? A Yes sir.
Q How far did they live from you at the time of the war? A I was living 30 miles north of their place when the war commenced.
Q He was here when the war commenced? A Yes sir in Delaware district Cherokee Nation at Carrey's Prairie.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I dont.
Q When did you first see her after the war in the Cherokee Nation? A At Vinita before the Wallace court.
Q Did you testify for her there? A I might have, I dont recollect, I think I did as to her owners.
Q Did you know her husband? A Yes sir.
Q Was his name Andy? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Zeek Daniels.
Q Was Zeek Daniels a Cherokee citizen? A Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the Civil war Andy? A I cant tell, of my own knowledge.

Q When did you first see Andy back here after the war? A At Vinita before the Wallace court.

POLLY VIVENS, called and sworn as a witness for the applicant- By Mr. Smith:

Q What is your name? A Polly Vivens.
Q How old are you? A 56
Q Do you know this applicant here? A Yes sir.
Q When did you first get acquainted with her? A Just after peace was made I met her.
Q You didnt know her before the war? A No sir.
Q You dont know who she belonged to? A No sir.
Q Where did you first see her after the war? A At Fort Gibson.
Q How long after peace was declared? A In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.
Q How long did she stay around there? A I guess she staid there a little over a year, I seed her around there about that long.
Q Did you know her after that when she went up on Caney to live? A No sir.
Q Never have been at her house on Caney? A No sir.

By Hastings-

Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was here though.
Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.
Q What name did she go by then? A Carrye.
Q Was she married then? A I dont know; she said when she came there that her husband was in the army.
Q How long after that before you saw her husband? A I dont remember, didn't pay no attention to him, no I didn't.
Q You dont remember him? A Yes sir, but I dont know how long after that that I seed him.
Q How many children did she have there? A Only that white one.
Q Was that a girl or a boy? A Girl.
Q Do you know Sallie Bacon? A Yes sir that is my grandmother.
Q Did she live in town? A She lived at the lake, this side of Connan Vann's.
Q And this woman lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for Carthe? A Yes sir.
Q Did you draw your strip money? A No sir.

Applicant not found on the authenticated roll of 1880.
Applicant not found on the Census roll of 1890.
Applicant not found on the Kern Clifton roll.
Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2360 Andrew Daniels, Cherokee Nation.
Page 111 No.2361 Ebbie Daniels " "
Kern Clifton roll examined and the name of applicants child found as follows-
Page 126 No.3063, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have your name put on the 1880 roll? A Yes sir.
Q Where did you apply? A At Claremore.
Q That was when they was around taking the census? A Yes sir.
Q You never went to Tahlequah to have it done? A No sir.
Q Did your husband? A No sir.
Q You didn't get your strip money for yourself or husband? A No sir only for the children, me and the old man and Lewis was left out.

Q Is Martha living? A Yes sir.

Kern Clifton roll examined and the applicants child Martha identified asfollows-
Page 124 No.3084 Marsha Daniels, Delaware district.

By Com'r Needles-
Ebbie Daniels applies for herself, her husband Andy one son Frank, and for a grand daughter Martha, 12 years of age The said Ebbie and Andy Daniels are not identified on any roll except the Wallace roll; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She avers that she and her husband were slaves in the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Ebbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

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Chas.vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 5th of July, 1901.

(signed)T.B.Needles.
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete ~~transcript of said case~~ copy of the original transcript.

M.D.Green

Subscribed and sworn to before me this November 21, 1901.

COMMISSIONER.
Notary Public.

File with Chas. Daniels C.P.O. 163.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I.T. October, 24, 1902.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. P. O. No.

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicant.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 53 and 4.
Q What is your post office? A Welling.
(By Hastings)
Q How far do you live from the town of Tahlequah? A About 7 miles north
A Yes sir.
Q Do you know a colored man in the vicinity named Andrew Daniels? A
Q Do you know his wife? A No sir, I don't.
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in that vicinity? A Ever since the Delawares came there.
Q What year did the Delawares come there? A In 1867.
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families came first; the first drove that started they stopped here on Grand river, and I came with them, we stopped with the Wyandotte first and then came on.
Q About what time did you leave Kansas? A Left through Lawrence Kansas on the first day of January 1867.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you came to see him? A I and another boy got on our horses and went visiting and we run on to the camps there on Caney and saw him.
Q Whose camps? A The Delawares camps.
Q How far was that from where this Andrew Daniels is now living? A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you came to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A Must have been about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q Where did you come from the Cherokee Nation? A Kansas.
Q Near what place in Kansas, now? A We used to live ? or 3 miles north east of Lawrence.
Q You didn't come here when the regular band of Delawares came? A O sir we came before and stopped at the Wyandotte reservation and staid all winter.
Q You stated that you knew Andrew Daniels in Kansas? A Yes sir.
Q Can you give the year that you saw him in Kansas? A It must have been about '65 we was working in the hay field when I saw him first.
Q Did you ever see him any more after '65? A Yes sir.
Q Where? A He was working not far from where I lived, working for old man Sarcoxie.
Q How long after that before you next saw him? A Must have been about a year.
Q How long had it been before you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Nation you say in '68 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.

(By Hastings)

Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left up there about the first of '68? A I cant tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left there had you seen him? A I dont remember that
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and came down here? A No sir I dont know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.

(By the Commission)

Q Your first recollection of him in Kansas was in '65? A Yes sir in '68 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1868? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection of seeing him from '65 until you left in 1868? A No sir I never paid any attention to the fellow; the way I got acquainted with him was in the hay field in '65 or '6.
Q Have you any recollection of seeing him from that time until '68? A No sir.
Q If he was living in your neighborhood than you dont recollect it? A No sir.

(Continued by stenographer Bruce G. Jones)

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Chas. von Weise, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this the 7th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows, through Joe B. Parker, interpreter:

Q Give me your full name please? A John Young.
Q How old are you? A About 56.
Q What is your postoffice? A Peldon.
Q Are you a native of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.
Mr. Hastings: How far do you live from the town of Dewey? A About six miles.
Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
Q Did you come with the Delawares when they came to this country? A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
Q What camp? A A little west of Lawrence.
Q Kansas? A Yes, sir.
Q Then what became of Andrew Daniels? A He came down with them.
Q Came down with the Delawares? A Yes, sir.
Q Where did he come to? A Here on Caney, Cherokee Nation.
Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
Q That is Andrew Daniels? A Yes.
Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.
Q When he came back did he have his family? A Yes, he had his family.
Q Well, have you known him here then ever since? A Yes.
Q Well, he has a wife and some children, has he? A Yes.
Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '67.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning; when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell me what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these childr-? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Has that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you knowanything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pacharoki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time?

A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometimes along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

right close to where I lived making ties.
Q That was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q Let's understand that; you came down here along in June?
A Yes, sir.
Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Pecharcki hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edmund Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Near where you live now? A Right near where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home; I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '63, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I can't tell you just exactly, about 30 years ago, or 35.
Q Directly after the war? A Just after the war two or three years.
Q Now when you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '63, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Fort Smith.

Q Did he have any colored people with him? A No, sir.
Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet..
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over there on Grand River, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewheres about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith; was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
Q You see any other members of your father's family there? A No, sir
Q How long had your father been in Fort Smith at the time you saw him? A He has been there a week or two.
Q That was June, 1863? A June, 1863, as well as I recolledt.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or tr of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and him and his darkies went together, and me, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from June 61 '63, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al: and also in Cherokee Freedman Doubtful cases D-912, D-913, D-951, D-962, D-965, and D-971.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

Freed D 820

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Daniels, D 825;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothweberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

D. .T.

DEPARTMENT O T E INTERIOR,
COMMISSION TO TH FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of--

Andrew Daniels, et al.,	Cherokee Freedmen	D	859
Nancy Claggett, et al.,	"	D	902
LucindaDaniels, et al.,	"	D	933
Thomas Daniels, et al.	"	D	931
Lewis Daniels, et al.	"	D	966
Charles Daniels et al.	"	D	963
Jonas Daniels et al.	"	D	971

D E C I S I O N.

The record herein shows that on June 25, 1902, Ibbie Daniels appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedmen by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph, are the descendants of said Ibbie Daniels and were born since 1865.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and ten, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized tribes."

It is, therefore, the opinion of this Commission that the said Viola Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett, Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie E. Claggett, Lucinda Daniels, Thomas Daniels, Josephine Daniels, Lewis Daniels, Charles Daniels and James Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1906 (34 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Bixby,
Chairman.

" T. B. Needles,
Commissioner.

" C. R. Breathitt,
Commissioner.

" W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this March 8, 1924.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Charles Daniels,
Bartlesville, I. T.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

A 7768

FILED
MAR 21 1902

ACTING CHAIRMAN

7289

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES
C R BRECKINRIDGE
W E STANLEY

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-963.

Muskogee, Indian Territory, September 9, 1903.

Charles Daniels,

Bartlesville, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and that you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-963.

Muskogee, Indian Territory, September 9, 1903.

Edgar Smith,

Attorney for Charles Daniels,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charles Daniels as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether or not he was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and that he returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D969; D912; D913;
D951; D962; D963;
D971.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and Jonas Daniels and Maney, Willie, Elizabeth, Isabell, Mariah, Alexander, Maney J. and Jessie M. Claggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-21

Commissioner in Charge.

Cherokee Freedman
D-963.

Muskogee, Indian Territory, April 26, 1904.

Charles Daniels,

Bartlesville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-18.

Cherokee Freedmen
D-[illegible] et al.

Muskogee, Indian Territory, April 26, 1904.

Edgar Smith,

Attorney for Ibbie Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ibbie Daniels et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis and Charles Daniels, Nancy, Willie, Elizabeth, Isabell, Enrich, Alexander, Nancy J. and Josie M. Flaggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1903.

Respectfully,

Register

Chairman.

Enc. D-19.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

C F 1321

Muskogee, Indian Territory, December 8, 1904.

Charles Daniels,

Bartlesville, I. T.

Dear Sir:

You are hereby advised that the name of yourself

_____ appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904.

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.

Cherokee
D--965

COPY.

Muskogee, Indian Territory, November 25, 1905.

Thomas Kirk,

Tahlequah, Indian Territory.

Dear Sir:

In connection with the Cherokee enrollment case of yourself, et al., you are hereby advised that this office is in receipt of Departmental letter of November 10, 1905, inclosing a copy of Indian Office letter of November 7, 1905, in which it is recommended that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the application for the enrollment of the applicants embraced in said case be not concurred in.

This office is instructed to advise the Attorneys for the Cherokee Nation that they will be allowed twenty days from date of notice within which to file any argument they desire to make, evidence of service of a copy thereof upon the principal applicants to be furnished, and also to advise the principal applicants that they will be allowed ten days additional time within which to reply to any argument made by said Attorneys.

You are, therefore, hereby advised that the Attorneys for the Cherokee Nation have this day been notified that they will be allowed twenty days from date hereof within which to file such ar-

gument as they desire to make in this case, proof of service of a copy of the same upon the principal applicants in said case to be furnished. You are further advised that you will be allowed ten days additional time within which to file such reply as you desire to make to any argument made by said Attorneys.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED). W. C. Bracc

Acting Commissioner.

Incl. GL-23.
GHL

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Unclaimed

5088

BARTLESVILLE I.T. APR 1902 IND.T.
REGISTERED. MAR 1 1902 MUSKOGEE, IN

~~Mr. Charles Daniels,~~

~~Bartlesville~~, Indian Territory.

Reg'rd

Central office Cherokee Div.

7E 763

Advised that further testimony is required in support of application for enrollment.

Charles Daniels,

Bartlesville, Indian Territory.

Department of the Interior
Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERR.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

11833

UNCLAIMED

M'USKOGEE, IND. T.
APR 28 1904

~~Charles Daniels,~~

~~Bartlesville, Indian Territory.~~

Reg. No. 453
453

MAY 28 1904

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

unknown.

BARTLESVILLE
JAN 10 1905
IND

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

C.7. 541

General Office
Cherokee Freed.

~~Charles~~ Daniels,

~~Bartlesville, Indian~~ Territory.

Cher Fr 1312

see Cher Fr 1316, R 249

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Jonas Daniels for enrollment as a Cherokee freedman, said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jonas Daniels.
Q How old are you? A 24.
Q What is your post office address? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled class a Cherokee Freedman?
A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Who do you want to enroll besides yourself? A No one.
Q Are you married? A No, sir.
Q What is your father's name? A Andy Daniels.
Q What is your mother's name? A Ibbie Daniels.
Q Where were you born? A Caney.
Q Where is Caney? A About 20 miles northwest of Here.
Q In Kan sas or Texas? A Cherokee Nation.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Never married? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A It ought to be on the Clifton and Wallace rolls.

The 1880 Authenticated roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 124, #3081, Jonas Daniels, Delaware District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 111, #2367, Jonas Daniels, residence, Cherokee Nation.

Q Do you claim your citizenship through your mother, Ibbie?
A Yes, sir.
Q You are sure you have never lived outside of the Cherokee Nation?
A Yes, sir.

COM'R NEEDLES: Jonas Daniels applies for the enrollment of himself. He can not be identified upon the authenticated roll of 1880 or census roll of 1896, but is identified upon the Kern-Clifton and Wallace rolls as indicated in the testimony. He avers that he is a child of Andy and Ibbie Daniels, who are listed for enrollment upon doub fu l card # 859, and t he t estimony taken in the caw e of Andy an d Ibbie Daniels will be made part of the record in the case at bar and copy thereof filed herewith. He makes sat isfact ory proof as to residence and will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be n otified at his post office addre s of the result of the Commissio n.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that he stenographically reported the proceedings had before the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes t hereof.

Subscribed and sworn to before me this July 17th, 1901.

Commissi oner.

B

30971

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901

ACTING CHAIRMAN.

NATIONAL ARCHIVES

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1901

Post Office Dewey I.T.

District Del

1. Name Jonas Daniels Age 24

Owner's name Citizenship

Year 1880 Page 124 No. 3681 District Del

Parents:

Father Andy Daniels — Citizenship

Mother Sally " Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Mrs. J. Stenographer J. O. Rosson

Ans. to Ch. roll, 111 2867 - Ch

Wallace

Ref 0859

File with C.F. D-971, Jonas Daniels.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 28, 1901.

In the matter of the application of Tobie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Tobie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your postoffice? A Dewey.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand children here named Martha Ann? A Yes, sir.
Q Born in 1889, is your name on the roll of 1880? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Tobie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Jno. Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir; He can't come here to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

Cross-Examination.

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I haven't got but these.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you made a farm there? A I have had it fenced, we haven't out there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett/
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Ibbie Daniels et al 2

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q How old is Tsiquina, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have but the three.
Q What were their names? A Jim, Emiline and Charley.
Q What has become of Jim and Emiline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you and Andy married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand river.
Q Where were you living at the time the war come up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I come back after Abraham Lincoln got killed; come back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney? A I ain't been living at no other place.
Q This child, Frankie, you apply for is that a boy or girl? A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived anywhere except the Cherokee Nation?
A No, sir, never did.

BY CO'R WOODLIS:

Q Whatis the reason your husband isn't here? A He is paralysed and could not walk.
Q Not able to come? A No, sir.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you came up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one out her daughter.

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Q What was her daughter's name? A Named Polly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir; she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I came there in the fall.
Q In the fall of '65? A Yes, sir.
Q What time did you leave there? A I left there in the spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy? A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney? A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born?
A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Emeline back from Fort Smith with you?
A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COM'R MEDLES:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q He been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emoline and stated that Emoline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q When was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis; Jim ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jim live? A Cherokee Nation.
Q Now about Martha Ann? A She ain't never lived no where else either.
Q Who was the mother of Martha Ann? A She was a Haskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COL. HASTINGS:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Haskin.
Q Is she a citizen? A No, sir.
Q Was Jim and the mother of Martha ever married? A Yes, sir.
Q That was her name? A Ellen Haskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you called up here know about this

marriage of your aunt A Ibbie Daniels I guess know it.
Q Where were they married? A In Caney.
Q How long did they live together? A About eight or nine years.
Q Did they live together as man and wife? A Yes, sir.
Q In the house where you were living? A Yes, sir.
Q Did he ever any any other wife? A No, sir, not as I know of.
Q Did she ever have any other husband? A Not as I know of.
Q Did the people in the community call them husband and wife, regard them as husband and wife who receive them as husband and wife? A Yes, sir.

Q Did she have any children before she married him? A No, sir.
Q I believe you stated that you and your husband lived to gether down there at Fort Gibson for a year and a half before you moved up to Caney? A Yes. Well, we did.
Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.
Q About how long had you been at Fort Gibson when your husband came, or did he come first? A He came after he was mustered out and I don't know when he was mustered out.
Q I want to know about how long that was after he came up there? A Little over a month.

L.D.DANIELS, being first duly sworn by Commissioner T.B. Needles, testified as follows:

Q State your name? A L.D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 66.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a freedman of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.
Q How long have you known her? A I have known her ever since I was 5.
Q Did you see her in 1865? A I seen her sir.
Q Where? A Fort Gibson.
Q What time in '65? A It was in the fall.
Q What the circumstances of your seeing her? A Well, there was wagons come from Fort Smith and they was a-feed and my people came up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a sort of family there and I told them where they were and then after that I seen her very frequently.
Q How long did she remain in the settlement, do you know A Well, she remained there I guess a year or such a matter.
Q You don't know exactly how long she stayed? A No, because sometimes I would see her a while twenty days and sometimes more than that, because I would see her every twenty days, and they would come to draw rations as I would see her there.
Q Do you know where she lives now? A Yes, sir.
Q Where? A Over in Caney four miles above Hurtsville, north.
Q Do you know how long she has been living there? A I have been living up here 28 years and when I moved up here they were living over there and living there now, when she is at home.
Q Do you know her children? A Well, she had three to be--girls and a boy.
Q How many have you met? A Yes, sir, three.
Q Do you know how many she has had since that time? A I--not a house full now, I haven't been to her house since '65 I was over there then and there was five I knew was born with--children that is '65.
Q You can't know how many she has that didn't have children? A No, sir, there was a good many running around there.
Q Did you know Amy, her husband? A Amy Daniels, Yes sir.
Q You can tell whether Amy was out of the Cherokee Nation during

Pete Daniels et al 6

[illegible] A Take the [illegible] to the Lands Institute.
Q Do you know about [illegible] A I [illegible] to [illegible] office
that, [illegible] and put them [illegible] I don't know
whether it was in [illegible].
Q Do you know when Andy was [illegible].
Q [illegible] I'm going to [illegible]
to the [illegible] A No, [illegible] I [illegible]
he wasn't [illegible] and I could [illegible]
[illegible] the [illegible].
Q Was [illegible] A I didn't [illegible].
Q You didn't get [illegible] until [illegible].
until to [illegible].

[illegible]
Q [illegible] in '37 or [illegible].
Q And that is [illegible] A Yes, sir, I [illegible].
Q [illegible] to get [illegible] A I don't [illegible].
Q [illegible] A I don't [illegible].
Q [illegible] A [illegible].
Q You [illegible] A [illegible].
Q You saw her children [illegible] A Yes, sir, and I saw
her children [illegible].
Q [illegible] A I don't know, it [illegible] a little
white child and she had a white child [illegible].
Q Well do you know that she continued to reside around there
at that time? A She stayed [illegible].
Q You could see [illegible] applied to [illegible].
Q You are willing to swear that she was there from '29 until
'39? A I am willing to swear to [illegible].
Q [illegible] A Yes, sir.
Remainder of [illegible] by stenographer. Time: [illegible]

J.O.Tesson, [illegible] first duly sworn, testified that he is stenographer for the Commission in the five Civilized Tribes of Oklahoma; that he took the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed)J.O.Tesson.

Subscribed and sworn to before me this 12th day of July, 1921.

(signed)T.[illegible]Leslie,
Commissioner.

Certified from Stenographer's [illegible].
Muskogee, Okla., July 12th, 1921.

In the matter of the application of Pete Daniels et al.

Mary [illegible] called and sworn by Commissioner Leslie testified as follows:

By Mr. Smith, of counsel for applicants:

Q What is your name? A Mary Williams.
Q Do you know this applicant, Pete Daniels? A Yes, sir, directly acquainted with her for 30 years.
Q Do you know where she lived? A Yes sir.

etc

Q Do you know her children? A Yes sir.
Q Do you know Bryan Adams? A Yes sir.
Q Do you know where you were during the war? A Yes sir, Tahlequah Terry, she told it to me, I moved back of there on Grand River.
Q Did you know her before the war? A Yes sir.
Q Did you know her during the war? A Yes sir.
Q You don't know anything about her citizenship? A No sir, not personally.

By Prosecution, Cherokee supplementary:
Q How old are you? A Just about 50 years old.
By Defendant of the applicant:
Q How far do you live from Tahlequah? A I don't know.
Q Do you know that? Yes sir.
Q How far do you live from this A.F. sir.
Q When did you see W.T.Bowman first after the war? A Mr Love brought.
Q When was that? A I don't know.
Q Before you left the war? A Yes sir.
Q Was your husband there then? A No sir he was in the army.
Q What time of the year was? A Cold as then, I don't know the month.
Q And you don't know the year? A No sir.
Q At what place was it? A Think he was there? who visited us.
Q At whose house? A I don't know, I don't remember the name.
Q You remember seeing this man though? A Yes sir.

William Bowman, called and sworn as a witness for the applicant:

By Mr. Duncan:
Q What is your name? A William Bowman.
Q What is your post-office address? A Tahlequah.
Q What is your age? A 64 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? All my life.
Q Do you know this applicant, Minie Dunigan? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Was she a citizen? A Yes sir.
Q Who did she belong to? A Thomas Carey.
Q Was he a citizen of the Cherokee Nation? A Yes sir, by depriam his first wife was a Cherokee, named Jane Duncan who died and he married another Cherokee, named Jane Tucker.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation? A Yes sir.
Q How far did they live from you at the time of the war? A I was living 20 miles north of their place when the war commenced.
Q Do you know when the war commenced? A Yes sir in Delaware District Cherokee Nation at Carey's I think.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I don't.
Q When did you first see her after the war in the Cherokee Nation? At Vinita before the Dawes agent.
Q Did you testify for her there? A I might have, I don't recollect, think I did as he knew me.
Q Did you know her Mother? A Yes sir.
Q Was she born here? A Yes sir.
Q Was she a Cherokee? A Yes sir.
Q Who did she belong to? A Tom Rentzie.
Q Was Tom Rentzie a Cherokee citizen? A Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the [illegible] A I don't know, of my own knowledge.

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Q When did you first see Andy Hunt here after the war? A At Vinita before the Wallace court.

POLLY VIVION, applt and sworn as a witness for the applicant- By Mr. Smith:

Q What is your name? A Polly Vivion.
Q How old are you? A 64
Q Do you know this applicant here? A Yes sir.
Q When did you first get acquainted with her? A Just after peace was made I met her.
Q You didnt know her before the war? A No sir.
Q You dont know who she belonged to? A No sir.
Q Where did you first see her after the war? A At Fort Gibson.
Q How long after peace was declared? A In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.
Q How long did she stay around there? A I guess she staid there a little over a year, I used her around there about that long.
Q Did you know her after that when she went up on Caney to live? A No sir.
Q Never have been at her house on Caney? A No sir.

By Testimony-

Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was hers though.
Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.
Q What name did she go by then? A Gentrye.
Q Was she married then? A I dont know, she said when she came there that her husband was in the army.
Q How long after that before you saw her husband? A I dont remember, didn't pay no attention to him, so I didn't.
Q You dont remember him? A Yes sir, but I dont know how long after that that I used him.
Q How many children did she have there? A Only that white one.
Q Was that a girl or a boy? A Girl.
Q Do you know Sallie Mason? A Yes sir that is my grandmother.
Q Did she live in town? A She lived at the lake, this side of Connan Vann's.
Q And this woman lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for Martha? A Yes sir.
Q Did you draw your strip money? A No sir.

Applicant not found on the authenticated roll of 1880.
Applicant not found on the Census roll of 1890.
Applicant not found on the Starr Cliftenroll.
Wallace roll examined and the name of applicants found as follows-
Page 111 No. 2360 Andrew Daniels, Cherokee Nation.
Page 111 No.2361 Mary Daniels
Starr Clifton roll examined and the name of applicants child found as follows-
Page 124 No.3065, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have your name put on the 1880 roll? A Yes sir.
Q Where did you apply? A At Claremore.
Q That was when they was around taking the census? A Yes sir.
Q You never went to Tahlequah to have it done? A No sir.
Q Did your husband? A No sir.
Q You didn't get your strip money for yourself or husband? A No sir only for the children, we and the old man and Lewis was left out.

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Q Is Martha living? A Yes sir.

Kern Clifton roll examined and the applicants child Martha identified asfollows-
Page 124 No.3084 Martha Daniels, Delaware district.

By Com'r Needles-

Ebbie Daniels applies for herself, her husband Andy one son Frank, and for a grand daughter Martha, 12 years of age The said Ebbie and Andy Daniels are not identified on any roll except the Wallace roll; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She avers that she and her husband were slaves of the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Ebbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

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Chas.vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 9th of July,1901.

(signed)T.B.Needles,
Commissioner.

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L.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete [redacted] copy of the original transcript.

L.D.Green

Subscribed and sworn to before me this November 21,1901.

COMMISSIONER.
Notary Public.

File with Jonas Daniels C.N. D. 971

Department of the [illegible],
Commission to the Five Civilized Tribes,
Vinita, I. T. October [illegible], 1901.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. N. D. 1068

W. W. Hastings Attorney for the Cherokee Nation.
Hallett & Smith Attorneys for the [illegible]

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 30 and 4.
Q What is your post office? A Dewey.
(By Hastings)
Q How far do you live from the town of Dewey? A About 7 miles north
Q Do you know a colored man in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir, I don't.
Q Do you know her name? A No sir, I don't.
Q Is this man an old like man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in that vicinity? A Ever since the Delawares came there.
Q What year did the Delawares come there? A In '68.
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families came first; the first ones that started they stopped here on Grand river, and I came with them, we stopped with the Wyandotts first and then came on.
Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January '68.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you came to see him? A I and another boy got on our horses and went visiting and we run on to the camps there on Caney and saw him.
Q Whose camps? A The Delawares camps.
Q How far was that from where this Andrew Daniels is now living? A
A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you came to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A Must have been about twenty
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q Where did you come from the last time? A Kansas.
Q Near what place in Kansas, now? A We used to live 3 or 4 miles north east of [illegible].
Q You didn't come here when the regular band of Delawares came? A No sir we came before and stopped on the Pryorette reservation and staid all winter.
Q You stated that you knew Andrew Daniels in Kansas? A Yes sir.
Q Can you give us your best that you knew him in Kansas? A It must have been about '65 we was working in the hay field when I saw him first.
Q Did you ever see him any more after '65? A Yes sir.
Q Where? A He was working not far down where I lived, working for old man Sarcoxie.
Q How long after that before you last saw him? A Must have been about a year.
Q How long had it been since you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Nation you say in '68 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.

(By Hastings)

Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left up there about the first of '68? A I cant tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxie.
Q How long before you left there had you seen him? A I dont remember that
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and came down here? A No sir I dont know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.

(By the Commission)

Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1868? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection or meeting him from '65 until you left in 1868? A No sir I never paid any attention to the fellow;. the way I got acquainted with him was in the hay field in '65 or '6.
Q Have you any recollection of seeing him from that time until '68? A No sir.
Q If he was living in your neighborhood then you dont recollect it? A No sir.

(Continued by stenographer James G. Jones)

* * * * * * *

Chas. von Weise, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he mentioned it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or two of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and him and his darkies went together, and me, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from June or [illegible], did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, he went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al; and also in Cherokee Freedman Doubtful cases D-812, D-915, D-951, D-962, D-963, and D-971.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

right close to where I lived making ties.
Q That was the winter before you came down to the Cherokee Nation?
A The winter before.
Q The winter before that? A Yes.
Q Let's understand that: you came down here along in June?
A Yes, sir.
Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.
Q The second winter before you came? A Yes.
Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?
A Never saw nothing more of him till I saw him on the road with the Delawares.
Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Pacharoki hired him to drive a team.
Q He was driving the old woman's team, was he? A Yes, sir.
Q He seemed then to be coming along as a hired man? A Yes, sir.
Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.
Q Does he live in your neighborhood now? A Yes, right close to Dewey.
Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name, please? A My full name, Edmund Duncan Carey.
Q How old are you, Mr. Carey? A Going on 70.
Q What is your postoffice? A Grove.
Mr. Hastings: Well now what was your father's name? A Thomas Carey.
Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.
Q Near where you live now? A Right near where I live now.
Q Was he a Cherokee citizen? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q What was your mother's name? A Jane Carey.
Q Was your mother living when the war came up? A No, sir.
Q Was your father? A Yes, sir.
Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.
Q When did you leave home; I mean with reference to the war? A I left in '62, July, sometime in July.
A Joined the army? A Yes, sir.
Q Was your father at home then? A No, he moved across into Missouri just about the time I left.
Q Where was this slave, Abbie? A She was with my father.
Q In Missouri? A Yes, sir.
Q He took her off with him? A Yes, sir.
Q When did you next see your father? A '63, sometime in June.
Q Is your father living or dead at this time? A He is dead.
Q When did he die? A Well, I can't tell you just exactly, about 30 years ago, or 35.
Q Directly after the war? A Just after the war two or three years.
Q Now when you saw your father - I believe you said in June?
A Sometime in June.
Q In June of '63, did he have this colored woman, Abbie, with him?
A No, sir.
Q Where did you see your father? A Fort Smith.

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '67.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning; when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Did that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you knowenything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pechareki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time?

A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometimes along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

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Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

Subscribed and sworn to before me this 7th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. Von Waise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Brecinridge, testified as follows, through Joe B. Parker, interpreter

Q Give me your full name please? A John Young.
Q How old are you? A About 56.
Q What is your postoffice? A Welton.
Q Are you a native of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee Indian? A Yes, sir.
Q What are you, a Delaware? A A Delaware.
Mr. Hastings: How far do you live from the town of Dewey? A About six miles.
Q What direction? A A little bit northwest.
Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
Q Do you know his wife? A Yes, I have seen his wife.
Q Do you know her name? A No, I,don't know her name.
Q How long have you known Andrew Daniels? A About a year before I left Kansas.
Q When did you come from Kansas? A I don't know. it has been about 3½ years ago.
Q Did you come with the Delawares when they came to this country?
A Yes.
Q You don't remember the year that the Delawares came here? A No.
Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
Q How far was that from where you lived? A About half a mile from where I lived.
Q Do you know what time of the year you left up there? A Left there in the spring.
Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
Q What camp? A A little west of Lawrence.
Q Kansas? A Yes, sir.
Q Then what became of Andrew Daniels? A He came down with them.
Q Came down with the Delawares? A Yes, sir.
Q Where did he come to? A Here on Caney, Cherokee Nation.
Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
Q That is Andrew Daniels? A Yes.
Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.
Q When he came back did he have his family? A Yes, he had his family.
Q Well, have you known him here than ever since? A Yes.
Q Well, he has a wife and some children, has he? A Yes.
Mr. Smith: How old were you when you came down to the Cherokee

F. .T.

DEPARTMENT O[illegible] INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of--

Andrew Daniels, et al.,	Cherokee	Freedmen	D 859
Nancy Claggett, et al.,	"	"	D [illegible]12
LucindaDaniels, et al.,	"	"	D 913
Thomas Daniels, et al.	"	"	D 931
Lewis Daniels, et al.	"	"	D 962
Charles Daniels et al.	"	"	D 963
Jonas Daniels et al.	"	"	D 971

D E C I S I O N.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Jessie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedmen by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph, are the descendants of said Ibbie Daniels and were born since 1866.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephene Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Bixby,
Chairman.

" T. B. Needles,
Commissioner.

" C. R. Breckinridge,
Commissioner.

" W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this March 5, 1904.

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jon[illegible],
[illegible] I. T.
Cl[illegible]
Re[illegible].

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
2080; 2012; 2015;
2021; 2026; 2062;
2072.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martha A., Lucinda, Thomas, Josephine, Lewis, Charles and James Daniels and Nancy, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett as Cherokee freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-21

Commissioner in Charge.

Cherokee Freedmen
D-971.

Muskogee, Indian Territory, April 26, 1904.

Jonas Daniels,

Dewey, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-16.

COPY.

Cherokee Freedmen
1322

Muskogee, Indian Territory, October 22, 1904.

Jonas Daniels,

Dewey, Indian Territory,

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of October 8, relative to your enrollment as a Cherokee Freedman.

In reply you are advised that your name appears upon Cherokee Freedmen straight card No.1322. You are further advised that you will not be permitted to file until your name has been placed upon a final schedule of Cherokee Freedmen and approved by the Secretary of the Interior, which action will be taken in the near future.

Respectfully,

Tams Bixby.

Chairman

Cher Fr 1323

Cher Fr 1323:

see Cher Fr 1017, D 564

c Ed 674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Dick Chambers for enrollment as a Cherokee Freedman.

Appearances:
J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Dick Chambers, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dick Chambers.
Q How old are you? A I am 35 years old.
Q What is your post office? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A No, sir.
Q Just yourself? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Been living in the Cherokee Nation ever since I can remember.
Q Have you lived here all your life? A Yes, sir.
Q Give me the name of your father? A Charles Chambers.
Q Is he living? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Give me the name of your mother? A Sidney West.
Q That is her present name is it? A Yes, sir.
Q She is alive, is she? A Yes, sir.
Q Is she the woman who afterwards married a man named Scott?
A Yes, sir, that is the woman.
Q But she goes by the name of West? A Yes, sir, that is the way she gave her name.
Q Was she at the time of the war a slave of John West? A Yes, sir.
Q That is your understanding, is it? A That is my understanding.
Q And that she applied here two or three days ago? A Yes, sir.
Commissioner: Her case is Cherokee Freedman D-564.
Q Where is your father living now? A Living on Big Creek, he tells me.
Q Do you know how old he is? A No, sir, I can't tell you.
Q Have you any claim to enrollment through your father? A I never have, only —
Q Only through your mother? A Yes, sir.
Q Has your father ever been recognized as a Cherokee Freedman?
A SO I understand.
Q Was there ever any marriage between him and your mother?
A That is before my recollection, I can't tell you anything about that.
Q She is not living with him now? A No, sir.
Q She has never lived with him as far as you know? A No, sir, I never knew of her living with him since I can remember.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw strip money? A No, sir, I didn't draw it, no sir.
Q Who is Sebia? A That is my sister.
Q Who is William? A That is my brother.
Q You are the only Richard in the family? A Yes, sir.
Q Are these by the same mother? A Yes, sir.
Mr. Hastings: Is Sidney West the mother of these other two children? A Yes, sir.

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon, page 107, No. 2879, Coowescoowee district, as Richard Chambers.

Q When you were first old enough to remember, where were you living? A I lived out on the Four Mile Branch with Isaack Wilson, when he first started a place.

Q How far was that from Grand River? A Why it was eight miles.

Q How old were you when you left Isaac Wilson's? A I don't know

Q About how old were you? A I ~~xxxx~~ don't know.

Q Can't you form any idea at all? A No, I don't know, I can't say, I would make some mistake in my age.

Q Were you half grown: were you as much as ten years old? A Yes, I was about 14 Ig guess.

Q Who were your neighbors at Isaac Wilsons? A Arch Carter and Suwak Walker.

Q Either of those alive? A Suwak Walker is dead.

Q Arch Carter alive? A Arch Carter I think is living.

Q He the father of Andy Carter? A Yes, sir.

Q You had lived near them ever since you can remember until you were about 14 years of age? A Yes, sir.

Q Right there? A Yes, sir.

Q Where did you go from there? A I went from there to Muskogee.

Q Have you been married? A No, sir.

Q You were never married? A No, sir, never was married.

Q Well, how long did you live at Muskogee? A I didn't stay there over two months.

Q Then where did you go? A I went back down in the Cherokee Nation down close to Webbers Falls.

Q Who did you live with down there? A I worked for Mrs. Julia Taylor.

Q How long did you remain there? A I worked there a year.

Q Then where did you go? A I came back then to Fort Gibson.

Q How long did you remain there? A I stayed there I think two years.

Q Well, who did you work for at Fort Gibson? A At Fort Gibson I worked for Mr. Nash.

Q F. H. Nash? A Yes, sir, he had a farm out there.

Q Where did you go from Fort Gibson? A Came back to Muskogee.

Q Well, how long did y u live at Muskogee at that time? A I lived around Muskogee then about, lets see, two years I think, about a year and a half anyway there.

Q Where did you go from Muskogee? A I went from Muskogee, I came up here at Lightening Creek.

Q You have lived at Lightening Creek since? A Yes, sir.

Q When did you come to Lightening Creek? A I came to Lightening Creek I guess about three years ago.

Q Have you ever been in Kansas? A No, sir.

Q Never was in the state? A No, sir, I never was in the state.

Q Ever in Texas? A No, sir.

Q You have then lived, so far as you know, either in the Creek Nation or the Cherokee Nation? A Yes, sir, traipising around.

Commissioner: Did you ever apply to be enrolled with the Creeks or any other Nation except the Cherokees? A Never applied for any enrollment at all~~xxx~~, except with the Cherokees.

Mr. Hastings: Did you ever know Columbus Lasley over there on 14 Mile Creek? A Yes, sir, I knows Columbus Lasley.

Q Or Nels Lowrey? A Yes, sir, I know Columbus Lasley.

Q Did you know them over there on 14-Mile Creek? A Yes, sir, over on 4 Mile Branch.

Q Where was he living then? A He was living at Tahlequah, right in town.

Q Now where did you come from when you went to Four Mile Branch? A Lets see where did I come from, when I came to Four Mile Branch I came from Muskogee: it wasn't Muskogee either, it was the old Creek Agency, I was riding horses there, I run off from the man I was working for and went over there.

Q How old were you when you were riding these races? A I was about eight years old I guess when I first commenced riding races!

Q Where were you born? A They told me I was born at Park Hill.

Q You don't remember living at Park Hill? A No, sir, I don't remember it.

Q How long did you live at Isaac Wilson's on Four Mile Branch? A I don't know, about three years I guess.

Commissioner: The applicant avers that he has lived in the Cherokee Nation all his life, and he seems to have spent his life in the Cherokee Nation save some time past in the Creek Nation. He furhter affirms that he has not applied for enrollment with any other tribe or Nation than the Cherokees. He is identified on the Wallace roll, but not upon the roll of 1880 or upon the Kern-Clifton roll or that of 1896. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in his case, there will be filed herewith the testimony in the case of his mother, Sidney West, Cherokee Freedman D-564. It is possible, so far as the present testimony indicates, that he may have a claim through his father, Charles Chambers, but the relations between Charles Chambers and the applicant's mother are fully set forth in the case just cited. The final decision of the Commission will be made known to the applicant at his post office address.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C Jones

Sworn to and subscribed before me this the 20th of June, 1901.

Commissioner.

Cordially yours,

375. F.9.679

COMMISSION TO THE FIVE CIVILIZED TRIBES U.S.

FILED
JUN 11 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 11-1891

Post Office Tahlequah I.T.

District 205

1. Name Dick Chambers Age 35

Owner's name Citizenship

Year Enrolled Page 107 No. 2279 District Cook

Parents:

Father Charles Chambers alive dead Citizenship Cook

Mother Sidney Fleet alive Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Dick Stenographer Dent

No. 1 on Wallace Roll as Richard Chambers.

X Cit. by D.C.D 564. Sidney Fleet.

Q.R. Inquisitive Agent.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft. Smith, Ark. Oct. 11, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Dick Saunders for enrollment as Freedmen of the Cherokee Nation.

[illegible]
Agent for Applicant

No. 7064

D 10679

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
SEP 16 1901

NOTICE!

IN THE MATTER OF The application of Dick Chambers for enrollment as a Cherokee Freedman:

Case No. F. D. 879

To Dick Chambers or J. B. Sequichio Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 24th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept. 1901.

Attorneys for the Cherokee Nation.

F.D. 679

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the day of A. D. 1901.

Given under my hand this day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned ~~Attorney~~ Agent for the within named applicant hereby accept service of the within notice on this the 14th day of Sept, 1901.

J. R. Sequichie
~~Attorney~~ for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me this day of A.D. 1901.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901

Acting Chairman.

File with Cherokee Freedmen, D-679, Dick Chambers

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment as a Cherokee Freedman.

Appearances:
J. B. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sidney West.
Q How old are you? A I really don't know.
Q About how old? A I am about, as near as I can come at it, about 56 I guess.
Q What is your postoffice? A Hayden.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just my children.
Q How many children? A Six.
Q Have you got any children under age? A No, sir.
Q Your name on the roll of 1880? A I don't know, sir, whether it is on there.
Q You don't know whether it is on any roll or not? A No, sir.

The 1880 authenticated roll of Cherokee Freedman examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedman examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined and the applicant not identified thereon.

Mr. Sequichie: Mrs. West, can you give any reason why you are not on any of the rolls? A Well, I followed the Kern around to Gibson and to Vinita and I followed them to Anderson, and they didn't put me on because I didn't have any witnesses just then.

Q What court do you mean by that? A Kern's.
Q The Kern-Clifton enrollment? A Yes, sir.
Q What was the reason you didn't have any witnesses with you?
A. Well, I thought I would find witnesses there on the ground and it seems like nobody didn't want to own me.
Q Who did you belong to? A John West.
Q Were you here in the Cherokee Nation during the war between the Confederates and the Union rebellion, the last war? A During of the war, no sir.
Q Were you here before the war? A Yes, sir.
Q Where did you go during the war? A Went down to the Choctaw Nation.
Q Were you ever married? A Yes, sir.
Q Who was your husband? A Charles Chambers.
Q How long did Charles Chambers and yourself live together?
A We lived together till we raised a family.
Q Do you remember what year you came back to the Cherokee Nation after the war? A In '66 they told me, the fall of '65.
Q Who came back with you? A Charles Chambers.
Q Anybody else? A No, sir, because we went out from Red River here.
Q What part of the Cherokee Nation did you come to when you returned? A Sequoyah.
Q Do you know the reason why you are not enrolled on the 1880 roll?
A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.
Q Just alone? A Myself alone.
Commissioner: Were you a slave? A Yes, sir.
Q To whom did you belong? A John Vest.
Q Was he a Cherokee? A Yes, sir.
Q Where were you born? A On Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q And you went out during the war? A Yes, sir.
Q Did you go any further south than the Choctaw Nation? A No, sir.
Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.
Q Did you ever apply to the Creek Nation for enrollment? A No, sir.
Q You never drew any money from the Cherokee Nation then at all?
A No, sir.
Q Never been recognized? A No, sir.
Mr. Hastings: Where did you live before the war? A On Canadian.
Q In Canadian district? A Yes, sir.
Q Is your old master alive? A No, sir, he is dead.
Q Your young master alive? A Yes, sir.
Q Full John Vest? A Yes, sir.
Q You belonged to them when the war came up? A Yes, sir.
Q You went south during the war? A Yes, sir.
Q Now you stated a while ago that you followed that Ezra-Clifton Court around, and that you never could get a hearing, didn't you?
A Yes, sir.
Q You didn't get any hearing, did you? A No, sir, I never got any hearing from it.
Q I don't want you to misunderstand: you mean you never got to go before the Court? A Yes, sir, I went before the Court.
Q But you couldn't find any witnesses then? A No, sir.
Q Wasn't Charlie Chambers there? A He was there.
Q Wasn't Columbus Bailey there? A Yes, sir, he was there.
Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.
Q Well, you followed them around from different places? A Yes, sir, I followed them around, and my young mistress went to Vinita and they wouldn't hear her there at all.
Q What was her name? A At that time she was a Brewer, but she is Mrs. Nannie Tinsley now.
Q Where does she live? A Colcord.
Q Does she know when you came back? A Yes, sir.
Q Did you come back with her? A No, sir, I came ahead of her.
Q Where did you come in the Cherokee Nation? A Sequoyah district.
Q Now who came with you? A Charlie Chambers.
Q Did anybody else besides Charlie Chambers come with you? A But with me they didn't.
Q Well, you came to Sequoyah district, did you? A Yes, sir.
Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living on a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.
Q Did you continue to live there? A Yes, sir, lived there three years.
Q Do you know John Ballard? A Well, no sir, I don't know whether I did or not.
Q Who did you know down there in that settlement? A John Campbell,
Q He is dead, is he? A Yes, sir. He is dead.
Q Anybody that is living that was there then? A Yes, old man

Jack Campbell, he is dead too.
Q How about Mr. Campbell, at Illinois Station? A I don't know nothing about him.
Q Anybody else down there that you can think of that is living now?
A Bill Harrison foreman was one.
Q Was he living down there then? A Yes, sir, he was right there then.
Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.
Q Do you know Mrs. Franklin's daughter, Eliza McCrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.
Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.
Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.
Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.
Q That was the winter after the close of the war? A Yes, sir.
Q That was the next winter was it? A It was that coming winter.
Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.
Q You came up there with him? A Yes, sir.
Q And you lived there with him about a year? A Yes, sir.
Q Did you live with him until the winter following that? A He left in the spring.
Q The following spring? A Yes, sir.
Q Did you see him any more? A Yes, sir.
Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.
Q Well, how long had he been gone before you went up there?
A He had been gone about a year.
Q And you went up there and lived with him, to Gibson? A Yes sir.
Q It was about a year after he left you before you went to Gibson?
A Yes, sir.
Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.
Q Where did you go from Gibson? A I went to Tahlequah: went to Park Hill.
Q Did you live with Charles Chambers at Park Hill? A Yes, sir.
Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.
Q Then where did you go? A I went to Tahlequah.
Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.
Q Well, where did you go from Tahlequah? A I came to Pryor Creek.
Q How long did you live there? A I stayed to Pryor Creek about a year.
Q Well, then where did you go? A I went to Timber Hill.
Q Who did you live with at Timber Hill? A Lived with my sister.
Q What was her name? A Harriett Marcum.
Q Where did you go from Timber Hill? A Well, I hired myself to a man over in the Creek Nation.
Q About when was that? A I really can't tell you.
Q About how many years ago? A Well, I just can't tell you that, to be honest with you.
Q As much as 20: about how long after the war was it? A I don't know as I can tell you that.
Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I resided about ten or twelve years, and maybe longer.

Q Were you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Boley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from there there? A Been about five years.

Q You moved back when the Kern-Clifton court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the Nation.

Q Where did you live? A I went to Fourt Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring peace was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Mattie.

Q What are your other children's named who are alive?

A Will M Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Charman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton Commission that you lived west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I meant to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does

Q You said a while ago that you lived in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadian district now? A I don't know live there.
Q Where do you live? A I live up here on Lightning Creek.
Q When did you move up here? A Over five years ago.
Q Where did you move from up here? A I moved from the Creek Nation.
Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.
Q How long had you been living at Gibson when you went over there? A I was just going backwards and forwards.
Q Where did you have a house; have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.
Q When did you have one there? A When me and Charlie lived there.
Q After that? A I never had a house after that, I was just working out.
Q You never had a home after that? A No, sir.
Q That was about four years after the war? A Yes, sir.
Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.
Q Where have these children been living? A Left them once with my sister.
Q What is her name? A Mintie Martin
Q Where does she live? A On Pryor Creek.
Q How long did you leave them there? A Left them once about six months, and another time nearabout a year.
Q Now tell us how long you have been living in the Creek Nation? A Well I havetold you.
Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.
Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.
Q Did your husband have a home over there? A Yes, sir, he did.
Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.
Mr. McMichie: Which McKellop? A Albert.
Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.
Q Where ever you could get work? A Yes, sir, wherever I could get work to support my children.
Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.
Q Never worked there? A Never was in the state in my life.
Q Arkansas? A No, sir.
Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.
Q You had two children, Lucinda and Eva, born in the Creek Nation? A No, sir, never had a child of that name in my life.
Q They are your grandchildren? A Might be.
Q I ask you if you know them, Lucinda and Eva Colonel? A That is right.
Q You know them now? A Yes, sir.
Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.
Q Whose children are they? A They are my daughter's children; they are in the Creek Nation with their father.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charlie Chambers.
Q About how old are you? A 70 years old.
Q What is your postoffice? A Hudson.
Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.
Q Did you and her ever live together as man and wife? A Yes sir.
Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there wasn't anybody to marry us in that times.
Q When was that? A That was in the war time, just directly after the war first came up.
Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.
Q During the war? A In time of the war.
Q How long did you and her life together? A We lived together I guess about, as well as I can recollect, six or seven years.
Q Did you return back to the Cherokee Nation with her? A Yes, sir.
Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.
Q Are you on the 1880 roll? A Yes, sir.
Mr. Sequichie: I would like to identify him on the 1880 roll.
Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.
Mr. Hastings: Where did you know this woman down south? A Knew her right at John West's.
Q John West living down there? A Yes, sir, he was living there.
Q Charlie, you ever been up before the Courts any? (No response
Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.
Q Convicted? A No, sir.
Q Was you ever tried in the Cherokee Courts? A Yes, sir.
Q Ever tried by the United States Court at Vinita? A Yes, sir.
Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.
Q You never testified for this woman then? A No,, sir.
Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.
Q Did she ask you to testify for her? A No, sir.
Q Was this woman Sidney West a slave? A Yes, sir.
Q Who did she belong to? A She belonged to John West.
Q John West a Cherokee citizen? A Yes, sir.
Q Was she taken out of the country during the war? A Taken out at the commencement of the war.
Q Where to? A She was taken down there to Red River in the Choctaw Nation.
Q Do you know when she came back? A Yes, sir.
Q When? A Came back in '65.
Q You came with her? A Yes, sir.
Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.
Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

A Yes, sir, I had heard she was living in the Creek Nation.

Q She has married over there? A Yes, sir.

Q She lived over there until a few years before the Keene-Clifton commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her; anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them? A Some of them I do; of course they have got to pay me while I stay here.

Q What is the most you ever charge any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on al old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You run off and left her down there? A Yes, sir, I come off and left her down there.

COLUMBUS LASLEY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 53.

Q What is your postoffice? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Sequichie: Mr. Lasley, do you know Mrs. Sidney West? A Yes, sir

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war? A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in '67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadian or some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time in '67 did you see this woman? A It was in '68 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring or summer.
Q Or fall? A I think it was in the summer.
Q You think it was after the first of January? A No, sir, it was in '97 when we went out there, and after that I saw this woman.
Q What time in '97 did you go out there? A We went out there in the summer.

Mr. Mequiche: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs. Finley and Mr. West.

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.

Commissioner.

File with case of Dick Chambers, S.F.-D.#878.

Supl.S.F.-D.#864.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SIDNEY WEST as a Cherokee Freedman, introduced on the part of Applicant:

APPEARANCES:
Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles, testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.
Q Post office? A Muskogee.
Q Your age? A 59.
Q Mr. West, do you know a Cherokee Freedman, applicant, by the name of Sidney West? A Yes, sir.
Q Did she belong to you or your family some way? A Yes, sir, she belonged to father.
Q Do you remember what time, whether before the war or after the war, she left the Cherokee Nation? A She left the Cherokee Nation in about '63.
Q You remember what year she came back? A No, sir.
Q Did you ever hear of her any more after she left here?
(Question objected to by Mr. Hastings.)
Q Do you know when she came back to the Cherokee Nation?
A No, sir, I don't.
Q Did you see her at any time while she was away? A Yes, she was with the family.
Q Where? A From '63 until about '66 I guess.
Q Where was that? Down in the Chickasaw and Choctaw Nation, down on Red river.
Q In the Indian Territory? A Yes, sir.
Q To about what year was she in the family? A As well as I remember about '65.
Q Do you know where she went then? A No, sir, I don't.
Q Did you ever see her in the Cherokee Nation after that?
A No, sir, I don't believe I ever did.
Q Never seen her? A No, sir.

MR. HASTINGS: Where do you live, in what district?
A Canadian.
Q How long have you lived there? I have lived there since '60.
Q How wide across east and west is Canadian district? A I suppose it is about 32 miles, east and west.
Q How far north and south? A About the same distance.
Q You have been sheriff of your district? A Yes, sir.
Q You have lived there ever since the war? A Yes, sir.
Q Been on the Police force? A Yes, sir.

COM'R NEEDLES: You say Sidney West during the war went to the Chickasaw Nation? A Choctaw Nation, she went down there with the family.
Q She didn't go any farther south than the Choctaw Nation?
A No, sir.
Q And the last you saw her was in the Choctaw Nation in '65?
A Yes, sir.

---oooOOOooo---

J. O. Posson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Posson

Supl.C.P.O./864.

Subscribed and sworn to before me this October 4th, 1901.

Commissioner.

Cherokee Freedmen D 679.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 28, 1903.

In the matter of the application of Dick Chambers for enrollment as a Cherokee Freedman.

S U P P L E M E N T A L S T A T E M E N T.

An examination of a printed copy of the 1880 authenticated roll of the Cherokee Nation, now in possession of the Commission, shows that the applicant's father, Charlie Chambers, is identified thereon as an adopted colored, at number 599, Cooweescoowee District.

Copies of this statement are ordered filed herewith and made a part of the record in this case.

Commissioner.

Cherokee Freedmen D 679.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dick Chambers for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 11, 1901, Dick Chambers appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. The testimony taken at various times in the matter of the application for the enrollment of Sidney West as a Cherokee Freedman has been made a part of the record herein.

The evidence shows that the applicant is a son of Charlie Chambers, who is identified on the 1880 authenticated Cherokee roll as an adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that the said Charlie Chambers had complied with the terms of the treaty of 1866.

The evidence further shows that the applicant, Dick Chambers, has resided in the Indian Territory all his life, and that during the greater part of that time he has lived in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Dick Chambers, having been born since 1866, should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 5 190

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. [illegible]
[illegible]
[illegible], I. T.
Cherokee [illegible]-675.
Register.

Cherokee Freedmen
D 679

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Dick Chambers for enrollment as a Cherokee freedman.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-25

Commissioner in Charge.

Cherokee Freedmen,
D. 679.

Muskogee, Indian Territory, April 26, 1904.

Dick Chambers,

Hayden, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for the enrollment of yourself as a Cherokee Freedman.

Respectfully,

Chairman.

Register

Enc. D-3.

Cher Fr 1324

See Cher Fr 1325-6

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 7th 1901.

In the matter of the application of Chaney Graves for the enrollment of herself and seven children as Cherokee Freedmen; she being sworn by Commission C. R. Breckinridge, testified as follows:

I. P. BLEDSOE, agent for the applicant.

James Davenport Cherokee Representative:

Examined by Com'r Breckinridge:

Q What is your name? A. Chaney Graves.
Q How old are you? A. 42.
Q What is your post office? A. Catale.
Q In what district do you live? A. Goweescoowee .
Q Do you want to apply to be enrolled as a Cherokee Freedman? A. Yes sir
Q Who do yeuw want to have enrolled besides yourself? A. Ten children.
Q Are these children all of under 21 years of age? A. Three is over.
Q You can apply for seven them. Have you a husband living? A. He was the last time I seed him at home.
Q You dont apply for him? A. No sir.
Q Are you seperated from him? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q Were you taken out of the Territory during the war? A. No sir I was taken into the Creek Nation.
Q Were you brought back to the Cherokee Nation after the war? A. Yes sir in '65.
Q Have you lived here ever since? A. Yes sir.
Q Give me the name of your father? A. Andy Frye.
Q Is he dead? A. Yes sir.
Q Give me the name of your mother? A. Chaney Ross.
Q Is she dead? A. Yes sir.
Q How long has your father been dead? A. Going on three years.
Q What was he? A. A Creek.
Q How long has your mother been dead? A. Ever since I was little.
Q You dont remember her? A. No sir.
Q What was your mother? A A Cherokee.
Q A Cherokee slave before the war? A. Yes sir.
Q To whom did she belong? A. Susie Ross.
Q Did you belong to Susie Ross also? A. Yes sir.
Q Was Susie Ross a well known Cherokee citizen? A. Yes.sir.
Q Where did she live? A. In Saline district.
Q Did you know anything about her husband? A No sir.
Q Give me the names of your children? A Harry.
Q How old is he? A. 18 ye ars old.
Q Next child? A. Nellie.
Q How old is she? A. 17.
Q The next child? A. Andy.
Q How old is Andy? A. 15.
Q The next one? A. Lillie.
Q How old is she? A. 13.
Q The next one? A. Fred.
Q How old is she? A 11'
Q The next one? A. Martha.
Q How old is she? A. 8.
Q The next one? A. Georgie.
Q How old is this one ? A. 5 years old.

Q Are they all names Graves? A. Yes sir.
Q When were you and Graves married? A. We was married in 1896.
Q Are you on the roll of 1896? A. No sir.
Q When did you and he part? A. Last fall.
Q Is he a Cherokee freedman? A. No sir he is a state man.
Q Is there some one here that knows that you and he have been living together as man and wife and knew you beforeyou were married? A. Yes sir.

ROSE ALLEN, called and sworn as a witness for the applicant, testified as follows:

Q What is your name? A. Rose Allen.
Q How old are you? A. 48 or 49
Q What is your post office? A. Wasson Station.
Q Do you know this applicant here? A. Yes sir.
Q What was her name when she was a girl? A. Chaney Ross.
Q How long have you known her? A. Ever since she was a girl.
Q Give me the name of the man she married? A. Charles Graves.
Q Is he a state man? A. Yes sir.
Q They have got a lot of children have they? A. Yes sir, ten.
Q Are they all Graves children? A. Yes sir.
Q Has she been known as Graves all the time? A. Yes sir.
Q And is this the same woman that you know as Chaney Ross? A. Yes sir.
Q Did you know her mother? A. Her mother was Chaney too and they called this woman Little Chaney.
Q She has been dead some time? A I dont know exactly how long she has been dead.
Q Did you know her as a slave in the Cherokee Nation? A. Yes sir.
Q Who was her master? A. Houston Ross.
Q What was his wife's name? A. I dont know, I think his wife was a Creek woman.

By Mr. Davenport:

Rose, this woman's mother belonged to Dick Ross? A To one of them Rosses.
Q That is the one that married a Creek woman and lived in the Creek Nation He is a brother to Joshua Ross in Muskogee? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant not found thereon.

Neither applicant nor her children are found on the 1896 roll.

The Kern Clifton roll examined and the applicants found as follows:
Page 147 No. 3648, Chaney Graves, Cooweescoowee district
Page 147 No. 3650 Harry Graves, "
Page 147 No. 3651, Nellie Graves "
Page 147 No. 3652, Andy Graves, "
Page 147 No. 3653, Lillie Graves, "
Page 147 No. 3654, Freddie Graves. "

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Continuation of the above cause reported by B.C.Jones.

* * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct

Chaney Graves 2.

transcript of his stenographic notes therein.

Chas Chaney

Subscribed and sworn to before me this the 18th of June, 1921 at Nowata, I. T.

Commissioner

Chaney Groves et al.

(Taking of testimony continued from Stenographer Chas.von Weise, June 7, 1882. Before Commissioner Breckinridge.)

Moses Murdrick, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Moses Murdrick.
Q How old are you? A 71.
Q What is your post office? A Chelsea.
Q How long have you lived in the Cherokee Nation? A Ever since I have been born.
Q Were you out during the war? A Yes, sir.
Q Are you on the roll of 1880? A No, sir.
Mr. Bledsoe: Do you know Chaney Groves here? A Yes, sir.
Q How long have you known her? A Ever since she was born.
Q Who was her father; you know who her father was? A Yes.
Q What was his name? A Andy Fields.
Q What was her mother's name? A Chaney Ross.
Q Was her mother a slave of a Cherokee citizen? A Yes, sir.
Q Who? A Suzie Ross, a Cherokee indian.
Q Where did she live? A Down here in Salina, close to the Locust Grove.
Q Was this child and her mother there slaves at the commencement of the war? A Yes, sir.
Q Do you recollect of seeing her during the war, in the war, this girl or her mother? A I seen the girl after the war.
Q What time? A In '66.
Q Where did you see her? A I seen her up here at my house?
Q Whereabouts was that? A On Grand River.
Q In what district? A Delaware district.
Q Cherokee Nation? A Yes, sir.
Q How have you seen this woman Chaney here off and on ever since? A Yes, I have seen her off and on mighty near ever since, until she moved into the neighborhood where in she is living at now, right where I am living at.
Q She lives here in the Cherokee Nation? A Yes, sir.
Q Do you know any of her children? A Yes, sir.
Q What children do you know? A Eli, Ed, and Harry, Andy, and Harry, and Nellie and there is another one, but I don't know her name.
Q She has quite a family of children? A Yes, sir.
Mr. Davenport: Moses, where did you go when the war broke out, if you went anywhere? A Well, the federal army took me to Fort Scott?
Q This girl too, went to Fort Scott? A No, she didn't go with me. I went with my master.
Q How far were you living from where this girl was living at the time the war broke out; you went to Fort Scott you say with her master? A No, with my master.
Q Well, what time did you go to Fort Scott? A Well, when the soldiers came down and taken us away.
Q When did the soldiers come? A I don't know, I can't tell you what year they came, I don't know any education.
Q Was it before long then? A I don't know, I don't know any dates, you know at that age of the world I wasn't allowed to read or write.
Q How long did you stay in Kansas after you went up there? A Stayed up there until after the war was ended.
Q How long after the war ended ~~[illegible]~~ did you stay in Kansas?
A I don't know, might have stayed between three or four months or maybe longer, I don't know.
Q Do you know what year the war closed? A No, I don't.
Q Do you know what year it commenced? A No, I don't know what year.

Chaney Vrotes - -

Q Did you go to Kansas before the war began? A Didn't I tell you I went when the soldiers took me and my mother out of here together?
Q I would like for you to answer the question?
A I can only answer you what I know.
Q Did you go to Kansas before the war began? There was soldiers here before the war? A I never seen them.
Q Don't you know there was a post before the Civil War, for years before the Civil war broke out, at Fort Gibson? A I am talking about the war time.
Q You know there were soldiers at Fort Gibson before the war began?
A Yes, I know that.
Q Did you go out with those soldiers before the war began, or after the war began? A No, I told you I went out when the soldiers came in here and taken me and my mother out.
Commissioner: Don't you answer that point? A That was in the war time.
Q Will answer the questions directly. A That was in the war time.
Mr. Davenport: You don't know where this girls' mother was taken to during the War? A No, I don't.
Q How long before you went to Kansas with the soldiers till you had seen this girl and her mother? A That winter.
Q Was Lewis Ross living when the war broke out? A Yes, he was.
Q Was his wife Susie living with him? A Lewis Ross' wife wasn't named Susan: Susie was Lewis Ross' sister in law.
Q Who was her husband? A Bill Ross. not W. P. Ross, but his uncle.
Q Susie Ross then had one son named Josh? A Yes, sir.
Q And she had one named Dick? A Yes, sir.
Q Both of these children married Creek women prior to the war?
A I don't know that time they married.
Q Don't you know Josh and Dick had married? A Josh wasn't married when the war broke out, but he went from the place.
Q Dick had married before the war broke out? A I don't know, Dick had moved off from his uncle's.
Q You know Dick well? A Yes, I knew he was a clerk right at his uncle's.
Q You know Dick as well as you know this girl's mother and the girl?
A I guess I did.
Q Was Dick living at his mother's, or that neighborhood when the war broke out? A No, I said he had moved off.
Q Do you know where he went to? A No, I don't.
Q Do you know whether he married a citizen of the Creek Nation?
A No, sir.
Q Do you know where that girl and her mother was living when the war broke one? A Right on Susie Ross' place.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Do you know when they came back to the Cherokee Nation, if they ever left it? A She died before she came back.
Q How do you know? A Because her son came and said so.
Q I am asking you of your own knowledge? A She didn't come back here. She was left in Kansas, and she died there, that is what I heard.
Q Her mother then went to Kansas too? A Yes, she went there.
Q Don't you know she didn't do any such of a thing, but she went south? A Who?
Q The mother? A The mother of this girl? I would be willing to bet my head the mother of this girl went north, and this girl was taken south: the mother went north and the girl south.
Q You don't know when the girl came back, if she ever came? A I don't know when the girl came from the south.
Q You are an applicant for citizenship here, aren't you? A Yes.

Henry Graves - -

I didn't.

Q You live up? are on the front north of here? A Yes.

Q Do you belong to the Protective [illegible] Association, that Edison Harrell is one of the members of? A You didn't come here for that business did you?

Q I came here to represent this Negro, and if this Commission thinks I am improper, he will call me down.

Commissioner: This is not important; you have got a right to [illegible] any proper proposition.

A Well, I am in it; I am a judge of it too.

Mr. Davenport: Isn't the applicant a member of it too? A No, the reason is so, we have got such an it to do our business, we haven't got room in it all.

Q You didn't come back in time in 1900 A Can you prove it? The best evidence I have got is that your own people will not recognize you, they have told you. A You can't find one of my people that will not recognize me.

Q Have you ever got any of them who are recognized, to swear that you were here in time? A Yes, I can get them all here to swear I am in time.

Q You are not a recognized citizen? A I spoke and drew among with the balance: that is something you can't do.

Q When did you first see this voter after the war closed? A I saw her in the county of [illegible].

Q How do you know it was? A Because the judges said it was.

Q I am asking you about your own knowledge? A I didn't have knowledge enough to know it.

Q You don't know then of your own knowledge that time it was?

A No, the Indians told me it was.

Mr. Fleming: To the best of your knowledge and belief, it was in [illegible]? A Yes.

Mr. Davenport: I object to the question and the manner of putting it.

Commissioner: He has really covered the point.

Frank Rose, being duly sworn and examined by Commissioner Breathitt, testified as follows:

Q Give me your name? A Frank Rose.

Q How old are you? A 55.

Q What is your post office? A Versailles.

Q How long have you lived in the Versailles Hotel? A Born and raised here.

Q Were you out during the war? A Yes, sir.

Q You have lived here all your life except during the war? A Well, I was in here pretty near all during the war, the best of part of the time.

Q Are you on the roll of 1866? A Yes, sir.

Q Do you know the applicant here, Henry Graves? A Yes, sir, I know her.

Mr. Fleming: How long have you known her? A I have known her [illegible] since the war; small child.

Q Did you know her other? A Yes, sir.

Q Did you know her other's name? A Her mother's name was Shaney.

Q Shaney what? A Shaney then we used to call her.

Q Who did her mother belong to? A Belonged to Shaks Rose.

Q Was Shaks Rose a citizen of the Versailles Voting? A He used to [illegible] belonged to her at the commencement of the war.

Mr. Davenport: I object to any testimony as to the [illegible] of this girl, if she was not voted before the war it is [illegible] enough to have been a citizen at the beginning of the war herself, and it would be immaterial who

Chuckey Crowe -- --

she belonged to, the mother belonged to.
Commissioner: He is simply trying to show the status of the child at that time.
Mr. Fleming: Do you know this girl belonged to Susie Rees or not?
A Yes, sir, she lived with them.
Q You are a slave of Susie Rees? A She lived with them, she lived in Saline district.
Q Cherokee Nation? A Yes, sir.
Q Did you see this girl after the war? A Yes, sir, I saw her after the war.
Q In what year did you first see her? A Her cousin brought her there where we were living, that is her cousin, Rose Rogers, brought her to her cousin where we were living on the Rider place, in 1868.
Q Where was that, in what district? A Close to the mouth of Pryor Creek on Grand River.
Q On which side of the river? A West side of the river, on the old military road.
Q And have you seen this girl since that? A I have seen her off and on since then.
Q She has been living here in the Cherokee Nation, has she? A Yes, sir, as far as I know she has.
Q Do you know any of her children? A I know some of them.
Mr. Davenport: Frank, where were you living when the war broke out?
A Why, I was living on Grand River, where the Orphan Asylum is now.
Q You were a slave of Lewis Rees? A Yes, sir.
Q Where was this applicant living at that time? A She lived below there with [redacted] Susie Rees.
Q Where was Mich Rees, son of Susie Rees, living when the war broke out? A I don't know where he was living then? [redacted]
Q Mich had married a creek citizen prior to the breaking out of the war some years? A Not as I know of, he might have.
Q Did you never hear of the fact of his living in the Creek Nation? A No, I know Josh lived there.
Q Josh didn't live there before the war? A Yes, I think he did, but I don't know whether he was married.
Q Mich lived in the south somewhere from where you lived? A Yes, sir, he stayed there I don't know how long, with his uncle, [redacted]
Q Then he went away and married somewhere south? A He went away, I don't know anything about his marriage.
Q You never knew anything of him living there; did you see him after the war? A No, sir.
Q Did you see this girl's mother after the war? A Yes, I seen her directly after the war.
Q She came back the same time her girl came? A No, I never seen her mother back, I seen this girl, this girl didn't go; her mother went north and she went south.
Q Did her mother ever come to the Nation? A No, sir, not that I know of.
Q But you saw her mother where? A When I got out of the army I met her in Kansas.
Q You were an enlisted soldier in the army? A Yes, sir.
Q What year did you meet her? A I came to the Nation in the year '68, in the spring of '66, in March.
Q Well, when you came, did you come back to the old home place, or where did you go to? A I went to the old home place, and went to Gibson then, and back to Pryor Creek.
Q What year did you leave Gibson and come back on Pryor Creek?
A It was in '68.
Q Do you know where Ross Martin went during the war? A I think

he went south, I am not sure.
Q Did you know at that time C. V. Rogers, commonly called Clem?
A No, I never got acquainted with him until along in '68 when he commenced running for offices.
Q Where was he living when you first got acquainted with him?
A Living around here on Dog Creek.
Q You didn't know him when he was living at Fort Gibson? A Nos, sir.
Q Did you know a colored man by the name of Dan Walker who lived near Clem Rogers for a number of years? A Yes, sir.
Q Did you know him then? A No, I didn't get acquainted with him till he lived on Caney.
Q Did you know Rab Rogers? A Yes, sir.
Q Did you know him down about Fort Gibson? A Yes, sir.
Q When were you there at Fort Gibson? A I was at Fort Gibson '63. '4, '5, and '6.
Q Do you know who brought this girl back to the country? A No, sir, I don't know anything about that.
Q You don't know whether or not she came back before Clem Rogers came or after he came? A No, the first time I recollect seeing the girl was in '68 when House brought her to her cousin's where we were living.
Q What makes you remember? A Because I know it.
Q You remember what year the war broke out? A I think it was '61.
Q You remember what year it closed? A '65, in August when peace was declared.
Q You were then in the army? A Yes, I was in the army.
Q You have been living down in Saline district ever since? A I never lived to Saline district, never said I lived there.
Q Didn't you say you lived in Saline district before the war?
A No, I said I lived in Saline, but I always stayed in Coowescoowee
Q Well you belonged, did you, to Ross, Lewis Ross, before the war? A I lived with him till I got big enough to look after the cattle, and then he put me up on the ranch on Coowescoowee.
Q Then Susie Ross, the owner of this girl, lived on the east side of the river? A Yes, sir, she lived below the old Lewis Ross place in Saline district.
Q You never went over to the home of Susie Ross or Lewis Ross after he put you on the ranch? A No, sir, I didn't live there.
Q That wasn't considered your home? A Yes, but I was didn't stay there.
Q Where did you live? A I lived on his ranch.
Q Who controlled you? A Joe Ross, his nephew.
Q Joe lived in Saline? A No he didn't.
Q He did then? A No he didn't he stayed on the ranch, he wasn't married till after the war, and then he lived in Saline.

Rab Rogers, being duly sworn and examined by Commissioner Brockinridge, testified as follows:
Q What is your name? A Rab Rogers.
Q How old are you? A I am about 65 years old I guess.
Q What is your post office? A Lamapah.
Q How long have you lived in the Cherokee Nation? A About 65 years.
Q Were you out during the war? A No, sir: out and in with the soldiers.
Q Are you on the roll of 1880? A I think I is.
Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.
Q To whom did you belong? A Clem Rogers.
Q Where did Clem Rogers live? A Well, he lived out on the War-

digris right where my place is now.

Q Do you know this applicant here, did you know her before the war broke out, this woman Chaney Graves? A Not before the war broke out.

Q Did you know her mother, ever? A I have saw her mother.

Q Did you see her before the war? A Her mother, yes sir, I have seed her.

Q Did you see her mother after the war began? A Her mother, no sir.

Q Who did her mother belong to? A Belonged I think to Susie Ross.

Q How far did her mother live from you before the war? A I expect it was about, must have been 35 or 40 miles.

Q You didn't know much about that that distance then? A No, we didn't see much of them, but then we would pass, it wasn't far from the old road, we would pass on our way back to the Verdigris, our home.

Q When do you first recollect seeing this woman after the war? A It was in '66 when I saw her.

Q Where was that? A In Fort Gibson.

Q Who was she with? A With old man Hous, my brother.

Q Houston Rogers? A Houston Rogers.

Q How did she happen to be with Houston Rogers? A Well, Houston Rogers came from the south, and then he went back after his wife, and then when they came back he fetched this girl with him.

Q And that was after he came back with his family that you saw him with this girl? A Just as soon as he came I saw themback, they were all together, this girl had come with, his wife was kin to her.

Q Is your brother Hous on the 1880 roll? A Yes, sir; I guess he didn't enroll her.

Q And you say this girl with your brother there at that time?

A Yes, sir.

Q You are positive about that? A Yes, sir, I don't tell nothing unless I know it.

Q What fixes that on your mind, what makes you remember it; did you stay with your brother Hous mf much after that? A No, sir, he came and stayed with me, Hous came and stayed with me, h

Q ~~Bringing~~ Bringing this girl with him? A Yes, sir, fetched the girl with him.

Q Where was her father at that time? A I don't know sir, nothing about him.

Q Have you ever known ~~him~~ mother or kept the run of him? A No, sir, I didn't.

Q Well her mother, was she dead at that time? A I can't tell you anything about her mother, whether she was dead or not.

Q Now when your brother Hous brought this girl up and stayed with you, how long did they all stay there together with you? A Well, I didn't keep much count.

Q Did they settle down there? A Wel , it was on this Jim Pettit place.

Q Did they make a crop there with you? A We were making a crop.

Q Did they help you make a crop? A I don't know whether she did or not.

Q I mean the outfit? A Yes, me and Houston made a crop.

Q ~~Was the girl along all the time? A I don't know, I~~ don't remember whether she was there all the time.

Q Was she at your house all the time? A She was there all the time she was there.

Q When she left your house, where did she go? A I reckon it was her cousin come there and took her to Bill Looney's.

Q How long had she been at your house then? A Well, I can't just say how long she did stay there, but she stayed there part of the summer or maybe two or three months.

Q Well, what have you seen of her from that time until now, have you seen much of her.

Chaney Graves —— ——

A From the time she went off?
Q Yes. A Well, I never saw her any more until she came back down there to Talala.
Q About how long was that before she came down there? A Might have been ten or twelve years.
Q Is that near where you live now? A Well, I don't live at Talala now, but that was my place then.
Q Did she stay around there long? A She went to my brother's there and was treated.
Q Did she make her home there? A Not that I know of, she stayed there.
Q What do you know about her, have you seen much of her since she was at your house soon after the war? A No, I haven't seed her so much, I seed her at Talala, and I seed her at Claremore, and then I seed her back here the other day.
Q She has never lived in your neighborhood? A No, sir, never lived in the neighborhood where I lived.
Mr. Bledsoe: Did you know this girl before the war? A No, I didn't know her to say know her, she was too small for me to be knowing a little girl before the war, but I might have seed her.
Q You knew her mother? A Yes, I saw her mother.
Q And you know Chaney to have had children, do you; know whether her mother had any children or not? A No, I can't just say; Sophia was Hous' wife's mother, they were both there, but I don't know whether she had any children, but this girl belonged to Josh Ross, he took her away from there, and there is where she came from, Josh Ross, right there is where she come from when she come with Hous.
Q When was that? A Must have been about the time of the war.
Mr. Davenport: You had come from the army back to Fort Gibson after the close of the war before this girl was brought there?
A Yes, sir.
Q Do you know whether or not G. V. Rogers, or Clem Rogers, had come back before this girl came back? A No, sir, because he sent my brother there, he gave my brother a horse and sent him to me.
Q That is what I am asking you about; didn't Clem Rogers and Hous Rogers come back together to Fort Gibson and stay a while, and then Clem fitted Hous up with a horse and sent him back after the family, and then is when he brought the girl? A No, you asked me like you wanted me to dispute you, and I didn't want do it.
Q I want you to tell me like it was? A No, sir, Mr. Clem Rogers I saw him down to Fort Smith, and he told me he would send Hous to me, and I bought a hat, and tobacco, and some things, and sent it to Hous, and Mr. Rogers started and went down there, and gave him a saddle and bridle and a horse, and then sent him, sent Hous, to me.
Q You had been to Fort Gibson and then Clem Rogers sent Hous to you? A Yes, sir.
Q That is the time he brought this girl? A No, sir.
Q Hous came back a while and visited you? A Yes, sir.
Q And then went to Texas, and then sometime when he returned, brought this girl back? A He went right, and took my horse and took the horse Mr. Rogers give him, and went to Fort Smith, and then Hous drove somebody else's team, and went on.
Q Did Hous and Clem Rogers come back together the last time?
A No, sir.
Q How long after Hous made this trip and brought this girl until Clem came? A Nearly a year, Clem Rogers didn't come there till '67 or '68.
Q When Hous and this girl came to you, you were making a crop out on the Pettit place? A No, sir, me and Hous went there in '68, I got the place, and then Hous, he left right back down, stayed with me a time, and then when he came there then I went and got this farm from Pettit.

Chaney Graves ——— ———

Q That was what time in the year that you came on the Pettet place, in '66? A We got it time enough to go to plowing.
Q Did Hous come back early enough in '66 to help make a crop in '66?
A He must have.
Q Did he or did he not? A Well, we made a crop.
Q Hous came back how long before the treaty was made? A Well, I was there when they ratified the treaty, but I can't just saw how long it was.
Q Well, was Hous there at Fort Gibson when the treaty was ratified?
A Yes, sir, he must have been there, yes, sir, Hous was there.
Q How long had he been there, if you remember, or about how long, when the treaty wasratified? A Well sir, I never kept no count, I never kept count of any such, but then he was there, and we made corn, we made corn there, and I didn't just keep no regular count of it.
Q Who else was living there at that time, Rab, of the Cherokee families, you remember any of them living at Fort Gibson in that time?
A Yes, sir, lots of them.
Q Give me the names of one or two of them? A Well, if you tell me who is living there now I will tell you who was living there then; there is a many one of them dead now. Do you know Conan Vann? And then I guess there was a store keeper there named Henry Meigs.
Q Where was George Sanders, was he there? A George Sanders was there.
Q Where was F. H. Nash, was he there? A Well, Nash was there.
Q Charlie Willie was there too? A Charlie Willie, yes, sir.

Commissioner: The applicant applies for the enrollment of himself and seven minor children. She is identifieden the Kern-Clifton roll, and claims to have been a slave of a Cherokee citizen at the beginning of the Civil War, in the Cherokee Nation. Her change of name arising from marriage is established in a satisfactory manner. It appears that she was taken south during the war, but she states that she came back, according to her understanding, in the year 1866, and this is affirmed by witnesses, who state that she was here at that time in the Cherokee Nation. It seems that her mother was dead, and she was being cared for by other members of the relationship. She is now 42 years of age. She is identified on the Kern-Clifton roll, and for the further consideration of her case, and the testimony, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. Of the seven children named in the testimony, the first five are identified on the Kern-Clifton roll. All are living now, and they will be listed for enrollment as a Cherokee Freedman on a doubtful card, with their mother. When she supplies the Commission with a certificate of the birth of her two younger children, Martha and George, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card. It appears the applicant was never married but once, and these children all bear the name of Graves. She makes no application for her husband, who she states is a state man, and who never procured a Cherokee license, and from whom she has been separated for something like ax year.

The final decision of the Commission in regard to all of these names will be made known to the applicant herself at her post office address.

****

Chaney Graves et al.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of June, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Mary Downing for the enrollment of herself and one child as Cherokee Freedman.

Mary Downing, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Mary Downing.
Q How old are you? A 20.
Q What is your post office? A Gatsee.
Q In what district do you live? A Goweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anyone besides yourself? A One child.
Q Have you a husband? A Yes, sir.
Q Is he a Cherokee Freedman or a state man? A He is a Cherokee Freedman.
Q Why do you not apply for him? A He has done been enrolled.
Q Do you know whether he is on the 1880 roll? A No, sir, I don't think he is.
Q What is his name? A Johnson Downing.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were born in the Cherokee Nation? A Yes, sir.
Q And never lived out of it? A Yes, sir.
Q Give me the name of your father? A Charley Graves.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A Chaney Graves.
Q Is she alive? A Yes, sir.
Q Was it your mother who applied for enrollment a short time ago, in the course of this day? A Yes, sir.
Q She applied for herself and seven children? A Yes, sir.
Q Have you a brother named Harry? A Yes, sir.
Q And a sister named Nellie? A Yes, sir.
Q And a brother named Andy? A Yes, sir.
Q And a lot more? A Yes, sir.
Q Well, you are in the same general condition as your family? A Yes, sir.
Q You are on the Kern-Clifton roll? A Yes, sir.
Q You were enrolled when they were enrolled and left off when they were left off, were you? A Yes, sir.
Q Give me the name of your child? A Leeguetus.
Q How old is that child? A Three years.
Q When were you married? A I don't know.
Q About how long ago? A About four years.
Q Have you a certificate of marriage? A No, sir.
Q Is there someone here who knows that you have been married? A Yes, sir, Willis Martin.

Willis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Willis Martin.
Q How old are you? A I am about 28 or 29.
Q What is your post office? A Gatale.
Q Do you know this applicant here? A Yes, sir.
Q How long have you known her? A I have knowed her seven or eight years.
Q What was her name when you first knew her? A Mary Gray.
Q Do you know her mother? A Yes, sir.
Q What is her mother's name? A Chaney Gray.
Q Has Chaney got a boy named Harry? A Yes, sir.

And another girl besides this one named Nellie? A Yes, sir.
Q Well you mean Mrs. Chaney Graves; that is that woman's name?
A Is it? I knowed her by the name of Gray.
Q This is a child of that woman, is it? A Yes, sir.
Q Well, who was it this woman married? A Johnson Downing.
Q About how long ago? A About four years.
Q Was this woman ever married until that time? A No, sir, not that I know of.
Q How long have you known Johnson Downing? A Been knowing him about nine or ten years.
Q Well, was he ever married before he married this woman?
Q Not that I know of.
Q They were both too young before the times you knew them to get married, they were children pretty much then? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant's parents not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 147, No. 3649, Cooweescoowee district, as Mary Graves.

Commissioner: The applicant applies for the enrollment of herself and one child. She states that she has lived in the Cherokee Nation all her life. She is identified on the Kern-Clifton roll. Her change of name arising from marriage is established in a satisfactory manner. She is the wife of Johnson Downing, who is on Cherokee Freedmen doubtful card D-308, and she is the daughter of Chaney Graves, who is on Cherokee Freedman doubtful card D-585. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card. And for further evidence in her case, there will be filed with the testimony in her case, the testimony in the case above cited of her mother. If she should fail of enrollment in her own right, she would still have remaining whatever rights may be found to exist as a Cherokee by intermarriage to her husband. It appears that neither of them was previously married, and that they have lived together ever since their marriage. As for her child, Leegustus Downing, this child is too young to be upon any roll. It is desired that she supply the Commission with a proper certificate of birth of the child, when it will be listed for enrollment as a Cherokee Freedman on a doubtful card, with its mother. The final decision of the Commission in regard to the applicant and her child will be made known to her at her post office address. The child will also have in addition to its claim through its mother, the right of any claim that may be established in the case of its father as above cited.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 19th of June, 1901.

Commissioner.

B. F. D. 685.

MISSION TO THE FIVE CIVILIZED
FILED
JUN 7 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 7, 1901

Post Office Catoosa, I. T.

District Coo

1. Name ~~Owner's name~~ Age

Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Nancy Graves Age 44

Owner's name Citizenship

Year R.B., Page 147 No. 3646 District Coo

Parents:

Father Tiney Frye - dead Citizenship

Mother Nancy Ross - Citizenship Cher. - Freedman

Names of Children:

2. Harry Graves Year R.B., Page 147 No. 3655 Dist. Coo 18

3. Julia " Year " Page 147 No. 3656 Dist. " 17

4. Andy " Year " Page 147 No. 3652 Dist. " 15

5. Lillie " Year " Page 147 No. 3653 Dist. " 13

6. Fred " Year " Page 147 No. 3654 Dist. " 11

7. Martha " Year — Page — No. — Dist. — 9

8. Georgia " Year — Page — No. — Dist. — 5

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer Chas. Millard

6 Cn. R. C. roll as Freddie Graves.
7 and 8 Affidavits of birth to be supplied

P. O. Address Agent for applicants.

D. F. B. 541.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901

CHEROKEE FREEDMAN

D 585

IN RE

Application for Enrollment of

INFANT CHILD

Albert Murray

as a citizen of the

CHEROKEE Nation.

Approved JUN 13 1901 1901

Commissioner.

Leader Print, Vinita, I. T.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Albert Minsy, born on the 22nd day of Oct., 1898

(here insert name of child)

Name of Father: James Minsy, a citizen of the Cherokee Nation.

Name of Mother: Nellie Graves, a citizen of the Cherokee Nation.

Post-office Catale, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Nellie Graves, on oath state that I am 17 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of not the James Minsy, who is a citizen, by adoption, of the Cherokee Nation; that a male (male or female) child was born to me on the 22nd day of Oct. 1898, that said child has been named Albert Minsy, and is now living.

Nellie Graves

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 12 day of June 1901

I. P. Bledsoe

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Chaney Graves, midwife, on oath state that I attended on Mrs. Nellie Graves not wife of James Minsy, on the 22nd day of Oct, 1898; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Albert Minsy

Chaney Graves

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 12 day of June 1901

I. P. Bledsoe

NOTARY PUBLIC.

CHEROKEE FREEDMAN. 9585

20

IN RE

Application for Enrollment of

INFANT CHILD

Martha Grace

as a citizen of

CHEROKEE Nation.

Approved, JUN 12 1901 190

Commissioner.

1324

~~F 3660~~

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Martha Graves, born on the 15 day of May, 1893

(Here insert name of child)

Name of Father: Charley Graves, a citizen of the U.S. Nation.

Name of Mother: Chaney Graves, a citizen of the Cherokee Nation.

Post-office, Catale I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Chaney Graves, on oath state that I am 44 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Charley Graves, who is a citizen, by W.S., of the United State Nation, that a female (male or female) child was born to me on the 15 day of May 1893 that said child has been named Martha Graves, and is now living.

WITNESSES TO MARK (Must be Two Witnesses)

Chaney Graves

Subscribed and sworn to before me this 12 *day of* June *1901.*

I. P. Bledsoe

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Edna Graves, a midwife, on oath state that I attended on Mrs. Chaney Graves, wife of Charley Graves, on the 15th day of May, 1893, that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Martha Graves.

Edna her Graves mark

WITNESSES TO MARK: (Must be Two Witnesses) C. C. Smith, S. E. Brown

Subscribed and sworn to before me this 12 *day of* June *1901.*

I. P. Bledsoe

NOTARY PUBLIC

CHEROKEE FREEDMAN.

D. J. 20 D.585

IN RE

Application for Enrollment of

INFANT CHILD

Virginia Graves.

as a citizen of

CHEROKEE. Nation.

Approved JUN 12 1901 190

Commissioner.

FILED
JUN 12 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,
of Georgia Graves (Here insert name of child), born on the 13th day of april, 1896
Name of Father: Charlie Graves, a citizen of the U. S. Nation.
Name of Mother: Chaney Graves, a citizen of the Cherokee Nation.
Post-office, Catale I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Chaney Graves, on oath state that I am 44 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Charlie Graves, who is a citizen, by ~~Nation~~, of the U. S., that a Female child was born to me on the 13 day of april, 1896, that said child has been (male or female)
named Georgia Graves, and is now living.

Chaney Graves

WITNESSES TO MARK
(Must be Two Witnesses)

Subscribed and sworn to before me this 8th day of June 1901.

G. F. Bailey
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Eliza Martin, a midwife, on oath state that I attended on Mrs. Chaney Graves, wife of Charlie Graves, on the 13 day of april, 1896; that there was born to her on said date a Female child; that said child is now living and is said to have been (male or female)
named Georgia Graves

her
Eliza X Martin
mark

WITNESSES TO MARK
(Must be Two Witnesses)
Josh Martin
Eli Graves

Subscribed and sworn to before me this 8 day of June 1901.

G. F. Bailey
NOTARY PUBLIC

Was born Sept - April 16 - 1903

TO BE MIXED WITH D-885

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 13,1901.

In the matter of the application of Nellie Graves for the enrollment of a child of herself, ALBERT MINEY, as a Cherokee Freedman, being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Nellie Graves.
Q How old are you? A 17 years old.
Q What is your post-office? A Catale.
Q Cooweescoowee district? A Yes sir.
Q Who do you want to enroll? A I want to enroll Albert Miney.
Q Are you married? A No sir.
Q Ever married? A No sir.
Q How old is Albert Miney? A Three years old.
Q Have you been enrolled yourself? A No sir, my mother enrolled me.
Q Why didn't she enroll this child? A She forgot it
Q What is your mother's name? A Chaney Graves.
Q Where was Albert Miney born? A On Pryor Creek.
Q In the Cherokee nation? A Yes sir.
Q Is he living now? A Yes sir.
Q Where were you born? A Borned in the Cherokee nation.

Com'r Needles: Nellie Graves applies for the enrollment of her son, Albert Miney, three years of age; she avers that she has been listed for enrollment by her mother, Chaney Graves, and that her mother forgot to enroll the child at the time she enrolled the applicant; upon examination of the records, it is found that Nellie Graves has been listed for enrollment upon D card 885, with her mother, Chaney; she makes satisfactory proof of birth of the child applied for; consequently the child, Albert Miney, will be listed for enrollment as a Cherokee freedman upon d card 885, with his mother.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 24,1901.

Commissioner.

I. T. [illegible] Agent for the applicant

James Davenport attorney for the Cherokee Nation.

Department of the Interior,
Enrollment to the Five Civilized Tribes,
Muskogee, I. T. June 12th 1901.

In the matter of the application of Eli Graves for the enrollment of himself and one child as Cherokee freedmen; he being duly sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Eli Graves.
Q How old are you? A. 34.
Q What is your post office address? A. Gibbs.
Q In what district do you live? A. Coweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled? A. Myself and one child, my wife is already enrolled.
Q Why didn't your wife enroll the child? A. My wife's father enrolled her with the rest of his family.
Q What is his name? A. Charles Martin.
Q What is the name of this child? A. Eddie Graves.
Q How old is she? A. 3 years old.
Q How old is your wife? A. 28 years old.
Q What is her name? A. Mike.
Q What was her maiden name? A. Martin.
Q What is her full name? A. Charles Martin
Q What is her mothers name? A. Eliza Martin.
Q Are they both living? A. Yes sir.
Q What is your fathers name? A. Charles Graves.
Q Is he living? A Yes sir.
Q What is your mothers name? A. Nancy Graves.
Q Is she living? A. Yes sir.
Q Where were you born? A. In the Cherokee Nation.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes on the Dawes Citizen rolls.
Q Is it on the 1880 roll? A. No sir.

The Dawes Citizen roll examined and the name of the applicant identified thereon as follows:
Page 147 No. 2067, Eli Graves, Coweescoowee district.

By Mankee-

Q You have lived in the Cherokee Nation all your life have you? A. Yes sir.

By Davenport-

Q Where were you living when you can first remember? A. In the Cherokee Nation.
Q What part? A. Peter Creek.
Q What part of Peter Creek? You have it upon from Grand River to Locust. A I lived 10 miles from here on Peter Creek.
Q With whom were you living? A. Aaron Martin.
Q Did you come there when they came? A. No sir.
Q Did you come there before they came? A. No sir they was there when I was permitted.
Q How long has Charles Martin been living there? A. I don't know, he came when I came there.
Q Where did you come from, where did you live before you came to Peter Creek? A. I lived there ever since I was permitted.
Q You came from the Cherokee Nation there didn't you? A. I don't know that place.
Q How long did you live in Kansas? A. Never lived there.
Q You never lived anywhere else but in the Cherokee Nation? A. That is all.

Q And you never lived anywhere else then on Prior creek? A. I lived on Grand River a while.
Q Where on Grand River? A. Near the Cane Buffington school house.

By the Commission.

Q Are these children all living at this time? A. I have two one, is living.
Q Is Emma enrolled with your wife? A. No sir.

By Com'r Breckon,-

Eli Graves applies for himself and one child, Mable Graves; his name is not found on any of the rolls of the Cherokee Nation except the Kane Clifton roll , and he is identified thereon. He swore that he was married to one Emma Hopkins who was listed for enrollment by her father Charles Hopkins on Cherokee Freedmen descent card #317. He swore that by said marriage he has one child, Mable who has not been enrolled and he makes satisfactory proof as to the birth of said child. He swore that he is the son of one Chaney Graves who has been listed for enrollment on Cherokee Freedmen By Card #344 and the said case is hereby referred to and a copy of the testimony taken thereon will be made a part of the record in the application of both. He makes satisfactory proof as to residence Consequently the said Eli Graves and the child Mable will be listed for enrollment on Cherokee Freedmen on a doubtful card. He will be notified by mail of the final decision of the Commission, when arrived at.

* * * * * * * * * * *

S U P P L E M E N T A L T E S T I M O N Y.

In the CHANEY GRAVES, called and sworn as a witness for the Applicant

By Com'r Breckon,-

Q What is your name? A. Chaney Graves.
Q How old are you? A. 44.
Q Are you the same Chaney Graves who was listed for enrollment as the wife of Charles Graves? A. Yes sir.
Q Have you any children? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q What relation is he to you? A. My son
Q Where was he born? A. Right on Grand creek in the Cherokee Nation.
Q Is he married? A. Yes sir.
Q What is his wifes name? A. Emma .
Q Has he any children? A. Yes sir.
Q How many? A. One.
Q What is its name? A. Mable.

* * * * * *

Q. You being sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full all the proceedings in the above cause and that the foregoing is a full, true n

and correct transcript of the stenographic notes thereof.

Subscribed and sworn to before me this the 30th of June, A.D. 1906, at Muscle, I. T.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 22 1901

File with the case of Eli Graves, C. F. D. 729.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 4, 1901.

SUPPLEMENTAL TESTIMONY in the case of Charles Martin et al, C.F.D.244

Appearances:
W. W. Hastings, attorney for the Cherokee Nation
L.T.Brown, agent, for the applicants.

W. R. LINDSEY, being first duly sworn by Commissioner T.B.Needles, testified as follows on the part of the Cherokee Nation.
(By Hastings)
Q What is your name? A R. W. Lindsey.
Q What is your age? A 52.
Q What is your postoffice address? A Chouteau.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By adoption? A Yes sir.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q You married one of Colonel Joel Bryant's daughter? A Yes sir.
Q When did you return to the Cherokee Nation after the war? A Landed here on the 15th day of December 1867.
Q Do you know a colored man named Charles Martin, did you know him before the war? A Yes sir.
Q Who did he belong to? A Sarah Martin.
Q Have you ever seen him since the war? A Yes sir.
Q When did you see him for the first time since the war? A In the latter part of August, '71.
Q Where? A At Chouteau.
Q What was he doing there then? A He was with the Construction train laying track and ties.
Q On what road? A This road, the M. K. & T.
Q Did you recognize him when you saw him? A Yes sir.
Q Did you have any talk with him then? A Yes sir.
Q Just tell the Commission, Mr. Lindsey, what the conversation was with reference to his return? A I had a general talk with him about how he was getting along, where he had been and the like; I asked him about others of his kin folks and acquaintances that I knew and he said he had been continuously with the Construction train from some point way up in Kansas, I don't know that he said where, and that he had been with them a long time; and I asked him if he had never made him a home in the Cherokee Nation and he said he never had; and I asked him how he was getting along and he said he was getting along all right, that he had been working all the time and was making some money and saving some money and not spending any.
Q What became of him then? A He was back and forth with this train, I saw him several times in passing while they were at work there.
Q That was while this road was being built was it? A Yes sir, I saw him passing there after that but had no other conversations with him, I would speak to him in passing but that is all.
Q Did he say what point in Kansas he had come from? A I don't remember what point, I don't know that he said.
Q Do you know William H. Jackson, known as Captain Jackson? A Yes sir
Q Do you know when he moved a saw mill up in that part of the country? A Yes sir.
Q When? A '71.
Q About the same time the road was built there? A Yes sir, they made Chouteau a terminus for about a month while they were building and afterwards they moved it to Gibson when they built on, and it was right after that that Captain Jackson put a saw mill on the crossing of Pryor's creek.
(By L. T. Brown)
Q You say you asked him if he had ever made a home in the Cherokee Nation? A Yes sir.
Q Did you ask him where he was in '66? A No sir.
Q Have you continued to see him since '71? A No sir.
Q How long did you see him there that time? A Oh a few times.

Q Through how long a period of time? A Only a little while, week or two, maybe, from the time I first saw him, and I have not seen him since.
Q You say you saw a man named Tarlton who was running a saw mill down there? A No sir, I didn't say he was running a saw mill.
Q What was he doing? A He was a farmer and cattle raiser,
Q Didn't he run a saw mill at the time? A Yes, but I never said he was, I said he had a saw mill there.
Q The first time you saw this applicant in the Cherokee Nation after the war was the only time you ever saw him? A Yes sir.
Q He never said during that conversation that he had never been in the Cherokee Nation before '71 did he? A No, he said that he had been with the Construction train from some point way up in Kansas.
Q When you asked him if he had never made a home in the Cherokee Nation you meant if he had made a farm didn't you? A I asked him the question- - Yes, if he had come back to the Cherokee Nation and settled on a place.
Q You say you knew this man at the beginning of the war? A Yes sir.
Q Who was his owner? A Sarah Martin.
Q Was she a Cherokee citizen? A Yes sir.
(By the Commission)
Q Was he married or single when you saw him there? A Single.

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This will be filed in Cherokee Freedmen cases D.244 and D. 729.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this 8th of October, 1901.

Commissioner.

File with case of Ella Graves, C.F.-D.#729.

Supl.C.F.)D.#317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Charles Martin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. L. T. Brown, Agent for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

R. K. ADAIR, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. HASTINGS: What is your name? A R. K. Adair.
Q What is your post office? A Chelsea.
Q What is your age? A 46.
Q How long have you lived at Chelsea? A Well, that has been my post office since '82.
Q You know the appli cant here, Charles Martin? A Yes, sir.
Q How long have you known him? A I have known him about 16 or 17 years?
Q Where did you first meet him? A I first met him on Pryor Creek at my place above Chelseaa
Q Was his family with him at that time? A Yes, sir.
Q You say his family was with him? A His family was there in the neighborhood, wasn't with him at the time I met him.
Q You say you met him on Pryor Creek near your place? A He came to my place the first time I ever saw him that I recollect of.
Q What year you think that was? A Best of my recollection it was in '85.
Q Do you know where he came from? A He said he come from Texas there, he has been to Texas with his family, and I think it wasin January or February, I am not positive about the date, but somwhere along there.
Q Did you see his family when they moved in? A Yes, sir.
Q How did they come? A They come on the trai n to Vinita. Got off at Catale.
Q Were you on the train with them? A Yes, sir, I was on the same train.
Q They said they come from Texas? A Yes, sir, I didn't talk to the family at the time but he told me afterwards that they come from Texas.
Q You had never seen his family before? A No.
Q That is the first you had seen of them out in your section of the country? A Yes, sir. Well, it was some little time, I don't know just how long, after his fami ly got off there at Catale that he came up to my house himself; asked me if I didn't know hi m and I told him that I didn't know that I had ever seen him and he said I ought to know him.

MR. BROWN: Where did you take the train at, Mr. Adair, when you met him on the train? A I never met him on the train at all.
Q Now, didn't I understand you to say that you were on the same train with him? A With his family.
Q Where did you board the train at? A Here at Vinita.
Q And went from here to Catale? A Yes, sir.
Q In his conversation with you did he state how long he had been in Texas? A Yes.
Q What did he say? A I asked him why he hadn't come back sooner and he said that he had been back here before and left this country when the M. K. & T. went through, that he followed out there working on the grade or something of that kind.
Q He told you in that same conversation that he had been here before and left this country about the time the M. K. & T. railroad came through? A Yes, sir.

Q You spoke something about his saying you ought to know him?
A Yes, sir.
Q Did he tell you why you ought to know him? A He didn't tell me why.
Q Didn't he go on and tell you who he was? A Well, told me who he was, but I don't remember him.
Q You don't know where he was in 1866? A No, sir
Q Don't know where he was except that he had been to Texas and he also told you in that same conversation thathe had been up in this country in 1873 when the M. K. & T. went through.
A He said he was up there, didn't say when he come, but said he went off working for that railroad or something to that effect
MR. HASTINGS: Do you know when this M. K. & T. railroad was built through here? A Built in '71 I think.
Q This was about 1884 or '5? A '85 to the best of my recollection.
Q You never saw him here in '71? A No, sir.
Q That was just his statement for that? A Just his statement.
Q Didn't tell you where he was married? A Said he was married i n Texas.
Q Did he have some children along with him? A Yes, sir.
Q About how many do you think? A I think he had about three when he moved in there, I think he had four, one of them was a step-son.

LEMUEL PARRIS, being duly sworn by Commissioner Needles, testified as follows: On Part of Cherokee Nation:
MR. HASTINGS: What is your name? A Lemuel Parris.
Q what is your age, Mr. Parris? A 52.
Q What is your post office? A Catale.
Q How far is Catale from Chelsea? A Abouf five miles.
Q Do you know this applicant here, Charles Martin, around here?
A Yes, sir.
Q when was the first time you ever saw him? A Well, it was in '84 or '5, I won't be positi ve which year it was in.
Q here were you living at the time? A About one mile from Catale
Q How far does he live from you now? A About four mile I suppose.
Q Had you been living there before that? A Yes, sir
Q He come in there at that time? A Yes, sir.
Q You know where he come from? A Only he told me, he told me he was from Texas.
Q Did he have a family? A Yes, sir.
Q Wife? A Yes, sir.
Q Did he have some children? A Yes, sir.
Q About how many? A I don't know how many he had, I wasn't at his house at that time, u ntil some time after that.
Q How long had you been li ving in that neighborhood before that?
A About fiveyears.
Q Do you know how his family come? A Said he come on the train.
Q What year was that? A I didn't see them ge off of the train.
MR. BROWN: Did they say what he had been doing down in Texas?
A He didn,t at that time, I don't remember about him sayi ng, I only had a shorttalk with him at that time.
Q Did you say that was about '84 or '5? A Abo ut '84 or '5.
Q Well, had you known anything of him prior to that time?
A No, sir
Q First time you had ever seen him? A First time I had ever seen him to know him.
Q Has he been living in the neighborhood of Catlae ever since you saw him in '84 or '5? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q Has he a farm there? A Yes, sir.
Q All you know about him is thatyou met him for the first time in '84 or '5, and that he told you he come here from Texas?
A Yes, sir.

Supl.C.F.-D.#317.--

MR. HASTINGS: You know his family came at that time?
A I saw his family at another house down there, I didn't see his family the first time, and he said-
Q You know when new settlers came into your neighborhood don't you?
A Well, that was the first time I saw him.

Com't Hastings: This testimony will be filed in Freedmen doubtful cases #317, #344, and #729.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

File with C. R. D-729.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 25, 1903.

In the matter of the application of Charles Martin et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-317.

Applicants represented by Lewis T. Brown.
Cherokee Nation represented by J. S. Davenport.

WILLIAM DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William Drake.
Q Where do you live, Mr. Drake? A Lawrence, Kansas, Douglas County.
Q How long have you lived in Lawrence, Kansas? A About 54 or 55 years.
Q When did you first move to Lawrence, Kansas? A I came to Lawrence, Kansas, in '56 or '57.
Q After you moved to Lawrence, Kansas, did you get acquainted with a colored man by the name of Charles Martin? A Yes, sir.
Q How long after you moved to Lawrence, Kansas, was it before you got acquainted with him, or about how long? A I think it was that year that I come in, whichever year it was.
Q Do you know whether or not he had a family at that time? A I don't know whether he had a family or not.
Q Was there anything peculiar about him that makes you remember him? A Yes, sir.
Q What was that? A He had one hand off.
Q Did you ever work with Charles Martin on any works or anything, Mr. Drake? A Yes, sir.
Q What kind of works? A I worked with him on the railroad up there in Lawrence.
Q How long did you stay with or near Charles Martin after you got acquainted with him until he left that country? A Well, I don't know; I seen him around more or less for as much as three years after I got acquainted with him.
Q Well did he and you ever work—you say he worked on the railroad with you? A We worked on the railroad up there together, and I worked down in the southeast part of Missouri with him.
Q That was after you had worked with him up in Kansas? A In Kansas, yes, sir.
Q Now did you go to Lawrence, Kansas, before or after the close of the war? A After the close of the war.
Q And you knew him there for a while, and then worked with him in Kansas on the railroad, and then went down to southeast Missouri and worked with him there in what kind of work? A Was getting out ties there.
Q Now then where, if you know, did Charley Martin go after he left you up there? A I don't know where he did go to.
Q Have you ever seen him since? A No, sir, I have never seen him since.
Q As I understand you, from the time you got acquainted with him at Lawrence, Kansas, up till the time he left you down in Missouri where you was getting out ties it had been three or four years or something like that? A Yes, sir, from the time I first got acquainted with him.
MR. BROWN: For what railroad company were you working when you were working in southeast Missouri? A We wasn't really working for a railroad; but we worked for contractors getting out ties.

Q To be used in constructing what railroad? A I don't know what railroad it was, I don't know.
Q When you were working on the railroad in and near Lawrence, Kansas, on what road were you working? A Working on the U. P. Railroad then.
Q In what year did you go to Lawrence? A '66 or '67.
Q You are not positive which year it was? A No, sir.
Q Now are you positive as to when it was that you saw this man Charles Martin? A After I went to Lawrence you mean?
Q You don't know how long you had been there until you met him do you? A No, it hadn't been a great while though; hadn't been a great while till I met him.
Q In what time of the year did you go there? A I went there in March.
Q You wouldn't be willing to swear that Charley Martin wasn't in the Cherokee Nation in the fall of '66, would you? A Well, he might have been there, but I don't know; I know I got acquainted with him in Lawrence after I came there in '66 or '67.
Q But you are not positive as to what year you went there in, whether it was '66 or '67? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-244, D-729, and in D-317, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 26th day of April, 1903.

Notary Public.

D.D.-729.

To be filed with cases D-585 and D-817.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 1, 1902.

In the matter of the application of Eli Graves for the enrollment of himself and child as Cherokee Freedmen.

SUPPLEMENTAL TO D-729.

Applicant represented by I. P. Bledsoe, Chouteau, I.T.
Cherokee Nation represented by J. S. Davenport.

GEORGE REDMON, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A George Redmon.
Q Where do you live, Mr. Redmon? A Humboldt, Kansas.
Q How long have you lived in or near Humboldt, Kansas. A Lived in Humboldt ever since '66, about July, '66.
Q In fact you have lived there then about all your life? A Yes, sir.
Q What's your age? A 37, will be 37 in September.
Q Since you lived in or near Humboldt, Kansas, did you get acquainted with some colored people that went by the name of Graves?
A Yes,sir.
Q Do you know what the first names were? A Why I knew Charley Graves.
Q Well, did he have a family? A Yes,sir; he had a family, wife and some two or three children while I knew him; I don't know how many more he had, but he had that many.
Q Do you know what his wife's name was? A Chaney, they called her.
Q Do you remember any of his children's names? A Eli and Ed; I remember those two.
Q Do you know whether or not they had any other children, of your own knowledge, that passed as their children? A Why I think they had; quite sure that they were theirs; he was feeding them, supporting them.
Q About when did you get acquainted with the Graves family, Mr. Redmon? A Why it must have been somewheres in '81 or '2, somewheres along there.
Q Where were they living at that time? A In Humboldt.
Q How long did they live there after you got acquainted with them?
A They must have been there ten years, I guess.
Q About what sized place is Humboldt? A Why I think about three thousand.
Q Do you know whether or not they kept house while they were there?
A Yes,sir; they kept house.
Q How far did they live from where you lived, Mr. Redmon? A Two blocks north.
Q About how often would you see them during the time you lived there or they lived there? A Why I would see them probably two or three times a day, every day, had to pass very close to their place going up to town.

MR. BLEDSOE: Are you positive that this woman's name was Chaney? A Well, no, I am not positive that it was; but that's the name she went by there.
Q You don't know then for certain that this woman that we are talking about to be that identical woman that you speak of? A Well, I am positive that it's Charley Graves' wife.

Q How long did you say you knew them to live there? A Why I knew them there about ten years.
Q You don't know in that time whether this Chaney ever came down to the Nation or not? A No, I don't.
Q To your own knowledge you just saw them there occasionally as neighbors would see them? A Why I would see them every day.
Q What was Graves doing there? A Why he was a stone mason.
Q Working around by day's work and jobs around here and there wherever he could get work to do? A Yes,sir.
Q Do you know whether this Chaney owned any property there in Kansas or not? A Well, between them they owned a house and a couple of lots.
Q You don't know whose property that was? A Well, they told me it was theirs; that is all I know about it; Charley told me it was his property.
Q Do you know where they went to from there? A No, I don't.
Q When did you first get acquainted with them there? A It must have been somewheres in '80 or '1 or '2, somewheres along there.
Q When did they leave from there to the best of your knowledge? A Why to the best of my knowledge it's been twelve or thirteen years ago.
Q They came off from there; do you know what became of them?
A No, I don't know what became of them.
Q You haven't seen them since? A I have seen Charley once since, and I see the boy very often, Ed.
Q None living up in there now? A Nobody but Ed.
Q You don't know where they were prior to that time, I suppose, prior to 1880? A No.
Q Where they were living when you first got acquainted with him?
(No response)
MR. DAVENPORT: Why, did Ed live in there? A They were living there when I first knew them.
Q You said Ed, where does he live? A Living in Humboldt, working for his Uncle George.
Q What name does his uncle go by? A Graves.
MR. BLEDSOE: He is just working there by day's work, I suppose, and not just like any other man? A Learning a trade with him.
MR. DAVENPORT: Is he married, have a family? A No.

JOSHUA ROSS, being first duly sworn, testified as follows:
MR. BLEDSOE: What is your name? A Joshua Ross.
Q How old are you? A 69.
Q Where do you live? A I live in Muskogee.
Q You are a Cherokee by blood? A I am.
Q On all the rolls, I suppose, of the Cherokee Nation? A Well, I aint on the 1880 roll; I am on all of those rolls before and since then I think.
Q You have always been recognized as a citizen of the Cherokee Nation? A Yes,sir.
Q Did your mother or any of your people own one Susie Ross? A No, my mother was named Susie Ross.
Q Well, that is, Chaney Ross; your mother's name was Susie Ross?
A Yes,sir.
Q Did she own Chaney Ross? A Yes,sir; she owned a woman by the name of Chaney Ross.
Q Did this Chaney Ross have any children? A Yes,sir; she had several children.

Q Did she have a girl named Chaney? A Yessir.
Q What ever became of that girl? A My brother, Richard Ross, brought her down here into the Creek Nation just before the breaking out of the war to nurse, he had one or two little girls, and he brought her over to nurse for him.
Q Your brother was a Cherokee citizen? A Yes,sir.
Q This Chaney was not sold to him? A No,sir.
Q Your mother just let him take her down here? A Yes,sir; that my understanding.
Q That Chaney Ross, do you know her to be this Chaney Graves, the same identical person? A I do.
Q Do you know when she came back to the Cherokee Nation or whether she was here in '66 or not? A Well I remember of seeing her in '66, yes,sir.
Q Do you know whether she back with Houston Rogers---
MR. DAVENPORT: I object to that, to putting a question in such a way as that.
MR. BLEDSOE: Do you know the date she came back to the Nation
A Only by hearsay, but I can tell you where I saw her.
Q Never mind; that's all.
MR. DAVENPORT: How many times have you seen her, Mr. Ross, since the war? A I don't remember of having seen her but once in '66 and then several years ago.
Q Do you know what time in '66 it was in? A No, I don't know; I simply remember of it, that she was there.
Q Well, where has she been living the last twenty years? A I don't know anything about that. I claim that I can prove that she belonged to my mother and that she was never sold out of the country and that she was here in the Cherokee Nation in '66, and further than that I say not.
Q You don't know whether she was living here? A Well, she was living here when I saw her.
Q Well how long has it been since you have seen this identical Chaney Graves that you speak of? A It's been six or ten, well I think it was in '94 about that time when I saw her last, somewhere along there.
Q Where was she living then? A Said she was living up in Coo-weescoowee District.
Q Well do you know of your own knowledge whether she was? A No, I said I don't know anything further than what I said.
Q Did you ever see her husband? A No,sir; not to know him.
Q Did you ever hear from either of them while they were living at Humboldt, Kansas? A No,sir.
Q Do you know of your own knowledge they did or did not live at Humboldt, Kansas? A No, I don't.
Q For a number of years? A No.
Q Where was Chaney and Charley Graves married, if you know?
A I don't know anything about that.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-586, D-317 and in D-729, the same being the case at bar.

F. D-725-04.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 5th day of May, 1902.

(Signed) P. G. Reuter,
Notary Public.

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 14 day of June, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 18 1902

P. D-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Chaney Graves et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-[illegible].

APPEARANCES:
I. P. Bledsoe for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a certified copy of a marriage license issued at Iola, Kansas, to Charley Graves, of Allen County, Kansas, aged twenty-two, to marry Chaney Field, of Allen County, Kansas, aged twenty-one, by W. G. Allison, Probate Judge, and a certificate showing that they were united in marriage in accordance with said license on the 18th day of March, 1878, by D. C. Payne.

MR. BLEDSOE: The applicant objects to the same, being incompetent and immaterial, and not applicable to the case, and it is not in accordance with the laws regulating the laws of one state to another, and not competible to the act in regard to taking evidence in this case.

MR. EDGAR SMITH: The offer of the above testimony is objected to because there is no law in this jurisdiction which would admit the testimony as offered, the same not being in compliance with the act of Congress made and provided with reference to the introduction of such testimony.

COMMISSION: This testimony will be filed with the case of Chaney Graves, the same being the case at bar, D-[illegible], and in the case of Eli Graves, D-[illegible], the applicants in the above cases being represented by I. P. Bledsoe. The above proceedings will also be made a part of the record in the case of Mary Downing, D-[illegible], she being represented by Mellette & Smith.

Arthur G. Cromwell, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Cromwell

Subscribed and sworn to before me this 8th day of July, 1902.

[illegible]

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chaney Graves, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Chaney Graves, et al.,...	Cherokee Freedmen	D 585
Eli Graves, et al.,.....	" "	D 729
Mary Downing, et al.,....	" "	D 590

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Chaney Graves for herself, her minor children, Harry, Nellie, Andy, Lillie, Fred, Martha and Georgia Graves, and subsequent to the date of her original application, an affidavit was filed with the Commission and made a part of the record herein showing the birth of Albert Minsy, minor grandson of Chaney Graves; by Eli Graves for himself and his minor child, Mabel Graves and by Mary Downing for herself and her minor child, Leegustus Downing. The testimony taken at various times in the matter of the application of Charles Martin, et al. is made a part of the record herein.

The evidence shows that the applicant, Chaney Graves, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion, but returned thereto within six months after July 19, 1866. All the other applicants herein were born since 1866 and are the descendants of said Chaney Graves.

The evidence further shows that said Chaney Graves has resided in the Cherokee Nation since the time of her return, as aforesaid; the other adult applicants have resided in said Nation all their lives and it is considered that the minor applicants herein have resided, since their birth, with their respective parents, through whom they claim.

It is, therefore, the opinion of this Commission that Chaney Graves, Harry Graves, Nellie Graves, Andy Graves, Lillie Graves, Fred Graves, Martha Graves, Georgia Graves, Albert Minsy, Eli Graves, Mabel Graves, Mary Downing and Leegustus Downing should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this MAR 5 1900

Commissioner.

JOR

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Cherokee Proof.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T. July 19, 1904.

In the matter of the application of Chaney Graves for the enrollment of himself and children, Harry, Nellie, Andy, Lillie, Fred, Martha and Georgia Graves and grandchild, Albert Kinsy, as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY.

WASHINGTON BROWN, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Washington Brown?
Q How old are you? A Well I don't know just how about my age,- I am near about 30.
Q What is your post office? A Ruby.
Q You claim to be a Cherokee Freedman? A Yes sir.
Q Are you married? A Yes sir.
Q Have you married since you applied for enrollment? A Yes sir.
Q What is your wife's name? A Lillie Graves.
Q Is she a daughter of Chaney Graves? A Yes sir.
Q She is a Cherokee Freedman is she? A Yes sir.
Q When were you and she married? A Last November.
Q What day in November? A I disremember just what day, my license is at home.
Q It was in November, 1903? A Yes sir.
Q Are you and she living together now? A Yes sir.

Mary B. Nisser, being duly sworn and examined by the Commission, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in his case and that the foregoing is true and complete transcript of her stenographic notes thereon.

Mary B Nisser

Subscribed and sworn to before me this 23rd day of July, 1904.

Notary Public.

MBR

MARRIAGE LICENSE.

State of Kansas, Allen County. Iola, March 16th A. D. ~~190~~1878

To any Person Authorized by Law to Perform the Marriage Ceremony, GREETING:

You are Hereby Authorized to Join in Marriage

Charley Graves of Allen Co. Kans aged 22 years,
and Ciana Finds of Allen Co, Kans aged 21 years,
and of this LICENSE you will make due return to my office within thirty days.

H. E. Allison Probate Judge.

State of Kansas, Allen County, ss.

I, _____ do hereby certify, that in accordance with the authorization of the within LICENSE, I did, on the 16 day of March A. D. ~~190~~1878, at Humboldt in said county, join and unite in marriage the within named Charley Graves and Ciana Finds

Witness my hand and seal, the day and year above written.

D. E. Payne [SEAL]

ATTEST: Elizabeth Payne ~~Probate Judge~~.

No. _____

Marriage License.

Issued _____ 190__

RETURNABLE
WITHIN THIRTY DAYS.

Filed _____ 190__

_____
Probate Judge.

THE HALL LITHO CO. PRINTERS AND BINDERS. TOPEKA.

15 D585

...MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 23 1902

...ATTY.

AUTHENTICATION UNDER ACT OF CONGRESS.

State of Kansas, Allen **County, ss.**

I, J B Smith, sole Judge and Ex-Officio Clerk of the Probate Court in and for said County, hereby certify, that I have compared the foregoing copy of the records of the Marriage license issued to Charley Graves and Chana Fields, and the return of the officiating minister, thereof.

~~of~~ , ~~late of said County,~~ deceased, with the original records thereof, now remaining in this office, and in my custody, and have found the same to be true transcript therefrom, and of the whole of such original records; and I further certify, that said exemplification would be received in evidence in all the Courts of the State of Kansas.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Probate Court, this 24th day of May 1902

J. B. Smith
Sole Judge and Ex-Officio Clerk of the Probate Court.

State of Kansas, Allen **County, ss.**

I, J. B. Smith, sole Judge of the Probate Court of said County, do hereby certify, that J. B. Smith whose genuine signature is affixed to the foregoing certificate is, under the laws of the State of Kansas, by virtue of his office as sole Judge of said Court, also the Clerk of said Court, and was such Clerk at the time of making and subscribing the same; that his attestation aforesaid is in due form of law, and by the proper officer, and that the seal thereto affixed is the seal of the said Probate Court; ~~and I further certify, that said last will and testament has been admitted to probate in said Court in due form, and duly recorded.~~

WITNESS my hand and seal, this 24th day of May 1902

J. B. Smith

Sole Judge of the Probate Court of Allen County, Kansas

No. F-1324

IN RE
THE DEATH OF
Lillie Brown nee Graves
a citizen of the
Cherokee Nation.

Approved May 16 1905

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
May 16 1905

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lillie Brown (nee Graves)
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Catale
(Here insert name of postoffice.)
, Ind. Ter., and died on the 9th day of
April, 1905

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Chaney Graves, on oath state that I am 49
years of age and a citizen, by Adoption, of the Cherokee Nation;
that my postoffice address is Catale
(Here insert name of postoffice.)
, Ind. Ter.; that I am
the mother of Lillie Brown
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Adoption, of the Cherokee Nation
and that said Lillie Brown died on the 4th day of
(Here insert name of deceased.)
April, 1905.

WITNESSES TO MARK:

Chaney Graves

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 16 day of May 1905.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, , on oath state that I am
years of age, and a citizen by of the Nation;
that my postoffice address is
(Here insert name of postoffice.)
, Ind. Ter.;
that I was personally acquainted with
(Here insert name of deceased.)
who was a citizen, by , of the Nation;
and that said
(Here insert name of deceased.)
died on the day of
, 1

WITNESSES TO MARK:

(Must Be Two Witnesses.)

Subscribed and sworn to before me this day of 190

Notary Public.

F1324

32

IN RE
THE DEATH OF
Andy Graves
A CITIZEN OF THE
Cherokee Nation

Approved 190

Commissioner

COMMISSIONER TO THE FIVE CIVILIZED TRIBES
RECEIVED
DEC 7 - 1908

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Andy Graves (Here insert name of deceased)

a citizen of the Cherokee (Freedman) Nation, who formerly resided at or near Catalpa (Here insert name of post office) Okla. and died on the 28th day of July, 1908

AFFIDAVIT OF RELATIVE

I, Eli Graves, on oath state that I am 33 — years of age and a citizen, by blood (Freedman) of the Cherokee Nation; that my postoffice address is Chelsea (Here insert name of postoffice) Okla.; that I am a brother (State relationship: as the father; an uncle; a cousin, etc.) of Andy Graves (Here insert name of deceased) who was a citizen, by blood (Freedman) of the Cherokee Nation and that said Andy Graves (Here insert name of deceased) died on the 28th day of July — 1908

Eli Graves

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 14 day of Nov. 1908

MY COMMISSION EXPIRES SEPT. 16th, 1911.

Jasper E. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

State of Oklahoma
County of Craig

I, J. A. LeForce, on oath state that I am 48 years of age, and a citizen by adoption of the Cherokee Nation; that my postoffice address is Vinita (Here insert name of postoffice) Oklahoma, Ind. Ter.; that I was personally acquainted with Andy Graves (Here insert name of deceased) who was a citizen, by Freedman, of the Cherokee Nation; and that said Andy Graves (Here insert name of deceased) died on the 28th day of July 1908

J. A. LeForce

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 5 day of Dec. 1908

MY COMMISSION EXPIRES SEPT. 16th, 1911.

Carter - Martin
Notary Public.

NOTICE!

IN THE MATTER OF the application of Chaney Graves for enrollment as a Cherokee citizen:

Case No. D 585

To Chaney Graves or I. P. Bledsoe Act.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on 24th Sept. 24th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 17th 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

NOND 585

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned Attorney for the within named applicant hereby accept service of the within notice on this the

17 day of Sept, 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me

this ..... day of ..... A.D. 1901.

.....

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1901

.....
ACTING CHAIRMAN.

NO. .....

P. S. 885.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ... day of ..., A. D. 190

.....

Subscribed and sworn to before me this

.....

.....

Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ... day of ... 190

.....

Attorney for Applicant.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the 27 day of May 190 2

.....

Agent for Applicant.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 27 1902

Acting Chairman

NOTICE.

In the Matter of the application of Chaney Graves,
for enrollment as Cherokee citizens:

To Chaney Graves or I. P. Bledsoe Agent.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 27th, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this MAY 23 1902

W. W. Hastings
Jas. L. Davenport
L. B. Bell
Attorneys for the Cherokee Nation.

No. F D. 585.

AK 10565

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP [illegible] 1901

[illegible]

COMMISSIONERS:
FRANCIS E. LESLIE,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

ARCHIBALD S. ALEXANDER,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fort Gibson I. T. Sept. 9th, 1896.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Chaney Gray et al for enrollment as Freedmen of the Cherokee Nation.

D. W. Bledsoe
Atty for Applt

No. F. D. 0591

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Chaney Graves,
Catale, I. T.
Cherokee [illegible]
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

4 40585

SION TO
FILED
MAR 1902
ACTING CHAIRMAN

Cherokee freedmen
D 668; D720; D 669

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Chaney Graves, et al., granting the applications for the enrollment of Chaney, Harry, Nellie, Andy, Lillie, Fred, Martha, Georgia, Eli and Mabel Graves, Albert Mimsy and Mary and Le[illegible]tha Downing as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-20

Commissioner in Charge.

Cherokee Freedmen
D-886.

Muskogee, Indian Territory, April 26, 1904.

Chaney Graves,

Catale, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your seven minor children, Harry, Nellie, Addy, Lillie, Fred, Martha and Georgia Graves, and your grandson, Albert Mimey, as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-4.

Cherokee Freedmen
D-688 & D-729.

Muskogee, Indian Territory, April 26, 1904.

I. P. Bledsoe,

Agent for Chaney Graves et al.,

Choteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Chaney Graves et al., granting, among others, the applications for the enrollment of Chaney, Harry, Nellie, Andy, Lillie, Fred, Martha and Georgia Graves, Albert Minny, Eli and Mabel Graves, as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-8.

Cher Fr 1325

[illegible] Agent for the applicant

[illegible]'s attorney for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 15th, 1901.

In the matter of the application of Eli Graves for the enrollment of himself and one child as Cherokee freedmen; He being duly sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Eli Graves.
Q How old are you? A. 24.
Q What is your post office address? A. Gatesville.
Q In what district do you live? A. Goweesecowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled? A. Myself and one child, my wife is already enrolled.
Q Why didn't your wife enroll the child? A. My wife's father enrolled her with the rest of his family.
Q What is his name? A. Charles Martin.
Q What is the name of this child? A. Mable Graves.
Q How old is she? A. 5 years old.
Q How old is your wife? A. 19 years old.
Q What is her name? A. Rena.
Q What was her maiden name? A Martin.
Q What is her fathers name? A Charles Martin
Q What is her mothers name? A. Eliza Martin.
Q Are they both living? A. Yes sir.
Q What is your fathers Name? A. Charles Graves.
Q Is he living? A Yes sir.
Q What is your mothers name? A. Chaney Graves.
Q Is she living? A. Yes sir.
Q Where were you born? A. In the Cherokee Nation.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir the Kern Clifton rolls.
Q Is it on the 1896 roll? A. No sir.

The Kern Clifton roll examined and the name of the applicant identified thereon as follows:
Page 147 No. 3647, Eli Graves, Goweesecowee district.

By Mcclevy-

Q You have lived in the Cherokee Nation all your life have you? A. Yes sir.

By Davenport-

Q Where were you living when you can first remember? A. In the Cherokee Nation.
Q What part? A. Prior Creek.
Q What part of Prior Creek? You know it runs from Grand river to Kansas. A I lived 15 miles from here on Prior creek.
Q With whom were you living? A. Amren Martin.
Q Did you come there when they came? A. No sir.
Q Did you come there before they came? A. No sir they was there when I can recollect.
Q How long has Charles Martin been living there? A. I dont know, he came from Grant before there.
Q Where did you come from, where did you live before you came to Prior Creek? A. I lived there ever since I can recollect.
Q You came from the Cherokee Nation there didn't you? A. I cant tell that since.
Q How long did you live in Kansas? A. Never lived there.
Q You never lived anywhere else but in the Cherokee Nation? A. That is all.

Q And you never lived anywhere else than on Polecat creek? A. I lived on Grand river a while.
Q Where on Grand river? A. Near the Chouteau Harrington school house.

By the Commission.

Q Are these children all living at this time? A. I have two one, it is living.
Q Is Susan enrolled with your tribe? A. No sir.

By Com'r Needles.

Eli Graves applies for himself and one child, Mable Graves; his name is not found on any of the rolls of the Cherokee Nation except the Mayes Clifton roll, and he is identified thereon. He avers that he was married to one Edna Martin who was listed for enrollment by her father Charles Martin on Cherokee Freedmen doubtful card #[illegible]. He avers that by said marriage he has one child, Mable who has not been enrolled and he makes satisfactory proof as to the birth of said child. He avers that he is the son of one Chaney Graves who has been listed for enrollment on Cherokee Freedmen D. Card #[illegible] and the said case is hereby referred to and a copy of the testimony taken therein will be made a part of the record in the application at bar. He makes satisfactory proof as to residence. Consequently the said Eli Graves and his child Mable will be listed for enrollment on Cherokee Freedmen as a doubtful card. He will be notified by mail of the final decision of the Commission, when arrived at.

* * * * * * * * * * *

S U P P L E M E N T A L T E S T I M O N Y.

Mr. Chaney Graves, called and sworn as a witness for the applicant.

By Com'r Needles.

Q What is your name? A. Chaney Graves.
Q How old are you? A. 44.
Q Are you the same Chaney Graves who was listed for enrollment as the wife of Charles Graves? A. Yes sir.
Q Have you any children? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q What relation is he to you? A. My son.
Q Where was he born? A. Right on Polecat creek in the Cherokee Nation.
Q Is he married? A. Yes sir.
Q What is his wifes name? A. Edna.
Q Has he any children? A. Yes sir.
Q How many is that?
Q What is its name? A. Mable.

* * * * * *

Clerk, was twice, being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true a

POOR ORIGINAL -
BEST AVAILABLE COPY



and correct transcript of the stenographic notes thereto.

Subscribed and sworn to before me this 26th day of June, A.D. 1901,
at Boise, I. T.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO SIOUX FIVE CONFEDERATED TRIBES
RECEIVED
JUN 20 1967

(1)

30729

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 13 1901

Post Office Catoosa I. T.

District Coo

1. Name Eli Graves Age 24

Owner's name Citizenship

Year 96 Page 147 No. 3647 District Coo

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Daughter Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

2 p. Mabel Graves Year Page No. Dist. 3

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Daughter

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Self Stenographer Chas. Van Vleet

2 P. if both married

Represented by Atty Endorse

XIV 6585 317

CHEROKEE FREEDMAN 4729

IN RE

Application for Enrollment of

INFANT CHILD

Mabel M'Graves

as a citizen of

Cher... Nation.

Approved, JUN 13 1901 1901

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 13 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Mabel Graves, born on the 11 day of May, 1898
(Name of child.)
Name of Father: Eli Graves, a citizen of the Cherokee Nation.
Name of Mother: Edna Graves, a citizen of the Cherokee Nation.
Post-office: Chelsea I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Northern District.

I, Edna Graves, on oath state that I am 19 years of age and a citizen, by adoption of the Cherokee Nation; that I am the lawful wife of Eli Graves, who is a citizen, by adoption of the Cherokee Nation, that a Female child was born to me on the 11th day of May, 1898 (male or female.) that said child has been named Mabel Graves, and is now living.

her
Edna X Graves
mark

(Must be Two Witnesses)
Josh O Martin
Squire adams.

Subscribed and sworn to before me this 8 day of June 1901.

G. F. Bailey
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Northern District.

I, Eliza Martin, a midwife, on oath state that I attended on the Edna Graves wife of Eli Graves. on the 11 day of May, 1898 that there was born to her on said date a Female (male or female.) child; that said child is now living and is said to have been named Mabel Grave.

her
Eliza X Martin
mark

(Must be Two Witnesses)
Josh Martin
Squire adams.

Subscribed and sworn to before me this 8th day of June 1901.

G. F. Bailey
NOTARY PUBLIC.

May 2 am - Eff - April 15-1903

To be filed with the case of Lil Greaves C. R. D. 739

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 7th 1901.

In the matter of the application of Chaney Greves for the enrollment of herself and seven children as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

I. P. Bledsoe, agent for the applicant.
James Davenport Cherokee Representative.

Examined by Com'r Breckinridge:-

Q What is your name? A. Chaney Greaves.
Q How old are you? A. 42.
Q What is your post office? A Catale.
Q In what district do you live? A. Coowescoowee.
Q Do you want to apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Ten children
Q Are these children all under 21 years of age? A. Three is over.
Q You can apply for seven then. Have you a husband living? A. He was the last time I seed him at home.
Q You dont apply for him? A. No sir.
Q Are you separated from him? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q Were you taken out of the Territory during the war? A No sir I was taken to the Creek Nation.
Q Were you brought back to the Cherokee Nation after the war? A. Yes sir in '65
Q Have you lived here ever since? A Yes sir.
Q Give me the name of your father? A. Andy Frye.
Q Is he dead? A. Yes sir.
Q Give me the name of your mother? A. Chaney Rose.
Q Is she dead? A. Yes sir.
Q How long has your father been dead? A Going on three years.
Q What was he? A A Creek.
Q How long has your mother been dead? A Ever since I was little.
Q You dont remember her? A. No sir.
Q What was your mother? A. A Cherokee.
Q A Cherokee slave berfore the war? A. Yes sir.
Q To whom did she belong? A. Susie Rose.
Q Did you belong to Susie Rose also? A. Yes sir.
Q Was Susie Rose a well known Cherokee citizen? A. Yes sir.
Q Where did she live? A. In Saline district.
Q Did you know anything about her husband? A. No sir.
Q Give me the names of your children? A. Harry.
Q How old is he? A 18 years old.
Q Next child? A. Nellie.
Q How old is she? A. 17.
Q The next child? A. Andy.
Q How old is Andy? A. 15.
Q The next one? A Lillie.
Q How old is she? A. 13.
Q The next one? A. Fred.
Q How old is he? A. 11.
Q The next one? A. Martha.
Q How old is she? A. 8.
Q The next one? A. George.
Q How old is this one? A. 5 years old.
Q Are they all named Greaves? A. Yes sir.
Q When were you and Greaves married? A We were married in 1876
Q Are you on the roll of 1880? A. No sir.
Q When did you and he part? A. Last fall.

Q Is he a Cherokee Indian? A. No sir he is a white man.
Q Is there some one here that knows that you and he have been living together as man and wife and knew you before you were married? A Yes sir.

ROSE ALLEN called and sworn as a witness for the applicant, testified as follows:

Q What is your name? A. Rose Allen.
Q How old are you? A. 48 or '9.
Q What is your post office? A Wasson Station.
Q Do you know this applicant here? A. Yes sir.
Q What was her name when she was a girl? A. Chaney Rose.
Q How long have you known her? A Ever since she was a girl.
Q Give me the name of the man she married? A. Charles Graves.
Q Is he a white man? A. Yes sir.
Q They have got a lot of children have they? A. Yes sir, ten.
Q Are they all Graves children? A. Yes sir.
Q Has she been known as Graves all the time? A. Yes sir.
Q And is this the same woman that you knew as Chaney Rose? A. Yes sir
Q Did you know her mother? A. Her mother was Chaney too and they called this woman Little Chaney.
Q She has been dead some time? A. I dont know exactly how long she has been dead.
Q Did you know her as a slave of in the Cherokee Nation? A. Yes sir
Q Who was her master? A Houston Rose.
Q What was his wife's name? A. I dont know, I think his wife was a Creek woman.

By Mr. Davenport-

Q Rose, this woman's mother belonged to Dick Rose? A To one of them Roses.
Q That is the one that married a Creek woman and lived in the Creek Nation, He is a brother of Joshua Rose in Muskogee? A Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant not found thereon.

Neither applicant nor her children are found on the 1896 roll

The Kern Clifton roll examined and the applicants found as follows:
page 147 No 3648 Chaney Graves, Coowescoowee district.
page 147 No 3650 Harry Graves "
page 147 No 3651 Nellie Graves "
page 147 No 3652 Andy Graves "
page 147 No 3653 Lillie Graves "
page 147 No 3654 Freddie Graves "

* * * * * * * * * * * * *

Continuation of the above cause reported by B. G. Jones.

+ + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 18th of June, 1901 at Muskogee, I. T.

(signed) T. B. Needles,
Commissioner.

Taking of testimony continued from Stenographer Chas. von Weise, June 7, 1901, Before Commissioner Breckinridge.)

Mose Hendrick, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A. Mose Hendrick.
Q How old are you? A. 71.
Q What is your post office? A Chelsea.
Q How long have you lived in the Cherokee Nation? A Ever since I have been born.
Q Were you out during the war? A. Yes sir.
Q Are you on the roll of 1880? A. No sir.
(Mr. Bledsoe) Do you know Chaney Graves here? A. Yes sir.
Q How long have you known her? A. Ever since she was born.
Q Who was her father? You know who her father was? A. Yes
Q What was his name? A. Andy Fields.
Q What was her mother's name? A. Chaney Ross.
Q Was her mother a slave of a Cherokee citizen? A. Yes sir.
Q Who? A. Susie Ross, a Cherokee Indian.
Q Where did she live? A. Down here in Saline, close to the Locust Grove.
Q Was this child and her mother there slaves at the commencement of the war? A. Yes sir.
Q Do you recollect of seeing her during the war, in the war, this girl or her mother? A. I seen the girl after the war.
Q What time? A. In '66
Q Where did you see her? A. I seen her up here at my house
Q Where was that? A. On Grand river.
Q In what district? A. Delaware district.
Q Cherokee Nation? A. Yes sir.
Q How have you seen this woman Chaney here off and on ever since? A Yes sirx I have seen her off and on mighty near ever since, until she moved into the neighborhood where she is living now, right where I am living at.
Q She lives here in the Cherokee Nation? A. Yes sir.
Q Do you know any of her children? A. Yes sir.
Q What children do you know? A. Bill, Ed, and Harry, Andy and Mary, and Nellie and there is another one, but I dont know her name.
Q She has quite a family of children? A Yes sir
(Mr. Davenport) Mose, where did you go when the war broke out, if you went anywhere? A Well, the federal army took me to Fat Scott.
Q This girl too, went to Fat Scott? A No, she didn't go with me, I went with my master.
Q How far were you living from where this girl was living at the time the war broke out; you went to Fort Scott you say with her master A No, with my master.
Q Well, what time did you go to Fort Scott? A. Well, when the soldiers came down and taken us away
Q When did the soldiers come? A. I dont know, I cant tell you what year they came, I dont know any education.
Q Was it before 1885 then? A. I dont know, I dont know any dates, you know at that age of the world I wasn't allowed to read or write.
Q How long did you stay in Kansas after you went up there? A. Staid up there until after the war was ended.
Q How long after the war ended did you stay in Kansas? A I dont know, might have staid between three or four months or maybe longer, I dont know.
Q Do you know what year the war closed? A. No, I dont.
Q Do you know what year it commenced? A No, I dont know what year.
Q Did you go to Kansas before the war began? A. Didn't I tell you I went when the soldiers took me and my master out of here together
Q I would like for you to answer the question? A I can only answer you what I know.
Q Did you go to Kansas before the war began; there was soldiers before the Civil war broke out, at Fort Gibson A I am talking about the war times.
Q You know there were soldiers at Fort Gibson before the war began?

A Yes, I know that.
Q Did you go out with the soldiers before the war began, or after the war began? A No, I told you I went out when the soldiers came in here and taken me and my master out.
(Commissioner) Cant you answer that point? A That was in the war time.
Q Well answer the question directly? A. That was in the war time.
(Mr. Davenport) You dont know where this girl's mother was taken to durring the war? A. No I dont.
Q How long before you went to Kansas with the soldiers before you had seen this girl and her mother? A. That winter.
Q Was Lewis Ross living when the war broke out? A. Yes he was.
QWas his wife Susie living with him? A. Lewis Ross' wife wasn't named Susan; Susie was Lewis Ross' sister in law.
Q Who was her husband? A. Bill Ross, not W. P. Ross, but this uncle.
Q Susie Ross then had one son named Josh? A Yes sir.
Q And she had one named Dick? A. Yes sir.
Q Both of these children married Creek women prior to the war? A.
A I dont know that time they married.
Q Dont you know Josh and Dick had married? A. Josh wasn't married when the war broke out, but he went from the place.
Q Dick had married before the war broke out? A. I dont know, Dick moved off from his uncle's.
Q You know Dick as well as you know this girls mother and the girl?
A I guess I did.
Q Was Dick living at his mother's, or that neighborhood when the war broke out? A No I said he had moved off.
Q You know Dick well? A. Yes, I know he was a clerk right at his uncle's.
Q Do you know where he went to? A. No I dont.
Q Do you know whether he married a citizen of the Creek Nation? A No sir.
Q Do you know where that girl and her mother was living when the war broke out? A. Right on Susie Ross' place.
QIn the Cherokee Nation? A. In the Cherokee Nation.
Q Do you know when they came back to the Cherokee Nation, if they ever left it? A. She died before she came back.
Q How do you know? A. Because her son came and said so.
Q I am asking you of your own knowledge? A She didn't come back here, she was left in Kansas, and she died there, that is what I heard.
Q Her mother then went to Kansas too? A. Yes, she went there.
Q Dont you know she never didn't do any such of a thing, but she went south? A. Who?
Q The mother? A. The mother of this girl? I would be willing to bet my head the mother of this girl went north, and this girl was taken south; the mother went north and the girl south.
Q You dont know when the girl came back, if she ever came? A I dont know when the girl came from the south.
Q You are an applicant for citizenship here, aren't you? A Yes, I claim it
Q You live up here on the creek north of here? A. Yes .
Q Do you belong to the Protective Citizenship Association, that Nelson Murrell is one of the members of? A. You didn't come here for that business did you? A.
Q I came here to represent this matter, and if this Commission thinks I am improper, he will call me down.
(Commissioner) This is not improper; you have got a right to associate for your protection.
A Well, I am in it,I am a judge of it too.
(Mr. Davenport) Isn't the applicant a member of it too? A. No, she is not in it, we have got men in it to do our business, we haven't got women in at all.
Q You didn't come back in time in '66? A Can you prove it?
Q The best evidence I have got is that your own people will not recognize you, they never have yet? A. You cant find one of my people that will not recognize me.
Q Have you ever got any of them who are recognized, to swear that you were here in time? A. Yes, I can get them all here to swear I am in time.
Q You are not a recognized citizen? A. I voted and drew money with

the balance: that is something you dont do.
Q When did you first see this woman after the war closed? A. I saw her in the summer of '66.
Q How do you know it was? A. Because the Indians said it was.
Q I am asking you about your own knowledge? A I didnt have knowledge enough to know it.
Q You dont know then of your own knowledge that time it was? A No the Indians told me it was.
(Mr Bledsoe) To the best of your knowledge and belief, it was in the year '66? A Yes sir.
(Mr. Davenport) I object to the question and the manner of putting it.
(Commissioner) He has really covered the point.

FRANK ROSS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A. Frank Ross.
Q How old are you? A. 50.
Q What is your post office? A. Hayden.
Q How long have your lived in the Cherokee Nation? A. Am and raised here.
Q Were you out during the war? A. Yes sir.
Q You have lived here all your life except during the war? A. Well, I was in here pretty near all during the war, the biggest part of the time.
Q Are you on the roll of 1880? A Yes sir;
Q Do you know the applicant here, Chaney Graves? A Yes sir, I know her.
(Mr. Bledsoe) How long have you known her? A. I been knowing her a long time, ever since she was a small girl.
Q Did you know her mother? A. Yes sir.
Q What was her mother's name? A. Her mother's name was Chaney.
Q Chaney what? A. Chaney Ross we used to call her.
Q Who did her mother belong to? A. Belonged to Susie Ross.
Q Was Susie Ross a citizen of the Cherokee Nation? A. So said to be, belonged to her at the commencement of the war.
(Mr. Davenport) I object to any testimony as to the mother, for this girl was born and raised before the war; it is shown this girl was old enough to have been a slave at the beginning of the war herself, and it would be immaterial who she belonged to, the mother belonged to.
(Commissioner) He is simply trying to show the status of the child at that time.
(Mr. Bledsoe) Do you know this girl belonged to Susie Ross or not? A Yes, sir, she lived with them.
Q Was she a slave of Susie Ross? A. She lived with them, she lived in Saline district.
Q Cherokee Nation? A. Yes sir.
Q Did you see this girl after the war? A. Yes sir, I saw her after the war.
Q In what year did you first see her? A. Her cousin brought her there where we were living, that is not her cousin, Rose Rogers, brought her to her cousin where we were living on the Rider place, in 1866.
Q Where was that, in what district? A Close to the mouth of Pryor creek on Grand river.
Q On which side of the river? A. West side of the river, on the old military road.
Q And have you seen this girl since then? A I have seen her off and on since that.
Q She has been living here in the Cherokee Nation, has she? A Yes sir as far as I know she has.
Q Do you know any of her children? A. I know some of them.
(Mr. Davenport) Frank, where were you living when the war broke out? A. Me, I was living on Grand river, where the Orphan Asylum is now.
Q You were a slave of Lewis Ross? A Yes sir.

Q Where was this applicant living at that time? A She lived below there with Susie Ross.
Q Where was Dick Ross, son of Susie Ross, living when the war broke out? A I dont know where he was living then?
Q Dick had married a Creek citizen prior to the breaking out of the war some years? A Not as I know of, he might have.
Q Did you never hear of the fact of his living in the Creek Nation? A No, I know Josh lived there.
Q Josh didn't live there before the war? A. Yes, I think he did, but I dont know wether he was married.
Q Dick lived in the south somewhere from where you lived? A. Yes, sir he staid there I dont know how long,with his uncle.
Q Then he went away and married somewhere south? A. He went away,I I dont know anything about his marriage.
Q You never knew anything of him living there; did you see him after
Q Did you see this girl's mother after the war? A Yes, I seen her directly after the war.
Q She came back the same time her girl came? A. No, I never seed her mother back, I seen this girl, this girl didn't go; her mother went north and she went south.
Q Did her mother ever come to the Nation? A. No sir, not that I know of.
Q But you saw her mother where? A. When I got out of the army I met her in Kansas.
Q You were an enlisted soldier in the army? A. Yes sir.
Q What year did you meet her? A. I came to the Nation in the year '66, in the spring of '66 in March.
Q Well, when you came, did you come back to the old home place, or where did you go to? A. I went to the old home place, and went to Gibson then, and back to Pryor creek.
Q What yr did you leave Gibson and come back on Pryor creek? A It was in '66.
Q Do you know where Hous Martin went during the war? A I think he went south, he went south, I am not sure.
Q Did you know at that time C. V. Rogers, commonly called Clem? A No I got acquainted with him along in '68 when he commenced running for offices.
Q Where was he living when you first got acquainted with him? A. Living around here on Dog Creek.
Q You didn't know him when he was living at Fort Gibson? A. No sir.
Q Did you know a colored man by the name of Dan Walker who lived near Clem Rogers for a number of years? A. Yes sir.
Q Did you know him then? A. No I didn't get acquainted with him till he lived on Caney.
Q Did you know Rab Rogers? A. Yes sir.
Q Did you know him dog about Fort Gibson? A. Yes sir.
Q When were you there at Fort Gibson? A. I was at Fort Gibson '63, '4, '5 and '6.
Q Do you know who brought this girl back to the country? A. No sir, I dont know anything about that.
Q You dont know whether or nd she came back before Clem Rogers came or after he came? A. No, the first time I recollect seeing the girl was in '66 when Hous brought her to her cousin's where we were living.
Q What makes you remember? A. Because I know it.
Q You remember what year the war broke out? A. I think it was in '61.
Q You remember what year it closed? A '65 in August when peace was declared.
Q You were then in the army? A. Yes, I was in the army.
Q You have been living down in Saline district ever since? A. I never lived to Saline district, never siad I lived there.
Q Didn't you say you lived in Saline district before the war? A. No, I said I lived in Saline, but I always staid in Goowescoowee.
Q Well you belonged, did you to Ross, Lewis Ross,before the war? A. I lived with him until I got big enough to look after the cattle, and then he put me up on the ranche on Coowescoowee.

Q Then Susie Ross,the mher of this girl,lived on the east side of the river? A Yes sir, shelived below the old Lewis Ross place in Saline district.
Q You never went over to the home of Susie Ross or Lewis Ross after he put you on theranche? A. No sir, I didn't live there.
Q That wasn't considered your home? A. Yes, but I didn't stay there.
Q Where did you live? A I lived on his ranch
Q Who controlled you? A. Joe Ross, his nephew.
Q Jow lived in Saline? A. No he didn't
Q He did then? A. No he didn't he staid on the ranche, he wasn't married till after the war, and then he lived in Saline.

RAB ROGERS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A. Rab Rogers.
Q How old are you? A. I am about 65 years old I guess.
Q What is your post office? A Lenapah
Q How long have you lived in the Cherokee Nation? About 65 years.
Q Were you out during the war? A. No sir; out and in with the soldiers
Q Are you on the roll of 1880? A I think I is.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q To whom did you belong? A. Clem Rogers.
Q Where did Clem Rogers live? A, Well, he lived out on the Verdigris right where my place is now.
Q Do you know this applicant here, did you know her before the war broke out, this woman Chaney Gra ves? A I has saw her mother.
Q Did you see her before the war? A. Her mother, yes sir, I has seed her.
Q Did you see her mother after the war began? A Her mother, no sir.
Q Who did her mother belong to? A. He longed to I think to Susie Ross.
Q How far did her mother live from you before the war? A I expect it was about, must have been 35 or 40 miles.
Q You didn't know much about that that distance than? A. No, we didn't see much of them, but then we would pass,it wasn't far from the old road, we would ~~recollect seeing this woman after~~ pass,Pass on our way back to the Verdigris, our home.
Q When do you first recollect seeing this woman after the war? A It was in '66 when I saw her.
Q Where was that? A. In Fort Gibson.
Q Who was she with? A. With old man Hous,his brother.
Q Houston Rogers? A. Houston Rogers.
Q How did he happen to be with Houston Rogers? A Well, Houston Rogers came from the south, and then he went back after his wife, and then when they came back he fet hed this girl with him.
Q And that was after he came back with his family that you saw him with this girl? A Just as soo n as he came I saw themback, they were all together, this girl had come with, his wife was kin to her.
Q Is your brother Hous on the 1880 roll? A. Yes sir; I guess he didn't enroll her.
Q And you saw this girl with your brother there at that time? A Yes sir.
Q You are positive about that? A Yes sir, I dnt know tell nothing unless I know it.
Q What fixes that on your mind, what makes you remember it; did you stay with your brother Hous much after that? A. No sir, he came and staid with me, Hous came and staid with me.
Q Bringing this girl with him? A. Yes sir, fetched thegirl with him.
Q Where was her father at that time? A. I dont know sir, nothing about him.
Q Have you ever known or kept any run of him? A. No sir, I didn't
Q Well her mother,was she dead at that time? A. I cant tell you anything about her mother, whether she was dead or not.
Q Now when your brother Hous brought this girl up and staid with you, how long did they all stay there together with you? A Well I didn't keep much count.

Q Did they settle down there? A. Well, it was on this Jim Pettit place.
Q Did they make a crop there with you? A. We were making a crop.
Q Did they help you make a crop? A I dont know whether she did or not.
Q I mean the outfit? A Yes, me and Houston made a crop.
Q Was the girl along all the time? A. I dont know, I dont remember whether she was there all the time
Q Was she at your house all the time? A. She was there all the time she was there.
Q When she left your house, where did she go? A I reckon it was her cousin come there and took her to Bill Looney's.
Q How long had she been at your house then? A Well, I cant just say how long she did stay there, but she staid there part of the summer or maybe two or three months.
Q Well, what have you seen of her from that time until now, have you seen much of her? A From the time she went off.
Q Yes. A Well I never saw her any more until she came back down there to Talala.
Q About how long was that before she came down there? A. Might have been ten or twelve years.
Q Is that near where you live now? A. Well, I dnt live at Talala now, but that was my place then.
Q Did she stay around there long? A. She went to my brother's there and was trwated.
Q Did she make her home there? A Not that I know of, she staid there
Q What do you know about her, have you seen much of her since she was at your house soon after the war? A. No, I haven't seed her so much, I seed her at Talala, and I seed her so much, I seed her at Talala, and I seed her at Claremore, and then I seed her back here the other day.
Q She has never lived in your neighborhood? A No sir, never lived in the neighborhood where I lived.
(Mr. Bledsoe) Did you know this girl before the war? A. No, I didn't know her to say know her, she was too small for me to be knowing a little girl before the war, but I might have seed her.
Q You knew her mother? A. Yes, I saw her mother.
Q And you knew Chaney to have had children, do you; know whether her mother had any children or not? A. No, I cant just say; Sophia was Hous' wife's mother, they were both there, but I dont know whether she had any children, but this girl belonged to Josh Ross, he took her away from there, and there is where she come from, Josh Ross, right there is where she come from when she come with Hous.
Q When was that? A. Must have been about the time of the war.
(Mr. Davenport) You had come from the army back to Fort Gibson after the close of the war before this girl was brought there? A Yes sir.
Q Do you know whether or not C. V. Rogers, or Clem Rogers, had come back before this girl came back? A. No sir, because he sent my brother there, he gave my brother a horse and sent him to me.
Q That is what I am asking you about; didn't Clem Rogers and Hous Rogers come back together to Fort Gibson and stay a while, and then Clem fitted Hous up with a horse and sent him back after the family and then is when he brought the girl? A. No, you asked me like you wanted me to dispute you, and I didn't want do it.
Q I want you to tell me like it was? A No sir, Mr. Clem Rogers I saw him down to Fort Gibson Smith, and he told me he would send Hous to me, and I bought a hat, and toba co, and some things, and sent it to Hous, and Mr. Rogers started and went down there, and gave him a saddle and bridle and a horse, and then sent him, sent Hous, to me
Q You had been to Fort Gibson and then Clem Rogers sent Hous to you? Yes sir.
Q That is the time he brought this girl? A No sir.
Q Hous came back a while and visited you? A. Yes sir.
Q And then went to Texas, and then sometime when he returned, brought this girl back? A. He went right, and took my horse and took the horse Mr. Rogers gave him, and went to Fort Smith, and then Hous drove somebody else's team and went on.
Q Dis Hou and Clem Rogers come back together the last time? A No sir

Q How long after Hous made this trip and brought this girl until Glenn came? A Nearly a year, Glenn Rogers didn't come there till '67 or '68
Q When Hous and this girl came to you, you were making a crop out on the Pettit place? A No sir, me and Hous went there in '66, I got the place, ad then Hous, he left me right back down, staid with me a time and then when he come there when I went and got this farm from Pettit.
Q That was what time in the year that you come on the Pettit place, in '66? A We got in time enough to go to plowing.
Q Did Hous come back early enough in '66 to help make a crop in '66? A He must have.
Q Did he or did he not? A. Well, we made a crop.
Q Hous came back how long before the treaty was ~~ratified~~ made? A Well, I was there when they ratieid the trwaty, but I dont just say how long it was.
Q Well, was Hous there at Fort Gibson when the treaty was ratified? A Yes sir, he must have been there, yes sir, Hous was there.
Q How long had he been there, if you remember, or about how long, when the treaty was ratified? A Well sir, I never kept no count, I never kept no count of any such, but then he was there, and we made corn, we made corn there, and and I didn't keep no regular count of it.
Q What else was living there at hat time Rab, of the Cherokee families, you remember any of them living at Fort Gibson in that time? A Yessir, lots of them.
Q Give me the names of one or two of them? A. Well, if you tell me who is living there now I will tell you who was living there then; there is a many one of them dead now. Do you know Conan Vann? And then I guess there is was a store keeper there named Henry Meigs.
Q Where was George Sanders, was he there? A. George Sanders was there.
Q Where was F. H. Nash, was he there? A Well, Nash was there.
Q Charlie Willie was there too? A Charlie Willie, yes, sir.

Commissioner: The applicant applies for the enrollment of herself and seven minor children. She is identified on the Kern-Clifton roll, and claims to have been a slave of a Cherokee citizen at the beginning of the Civil war, in the Cherokee Nation. Her change of name arising from marriage is established in a satisfactory manner. It appears that she was taken south during the war, but she states that she came back, according to her understanding, in the year 1866, and that is affirmed by witnesses who state that she was here at that time in the Cherokee Nation. It seems that her mother was dead, and she was cared for by other members of the relationship. She is now 42 years of age. She is identified on the Kern Clifton roll, and for the further consideration of her case, and the testimony, she will be listed for enrollment as a Cherokee freedman on a doubtful card. Of the seven children named in the testimony, the first five are identified on the Kern Clifton roll. All are living now, and they will be listed for enrollment as a Cherokee freedman on a doubtful card with their mother. When she supplies the Commission with a certificate of the birth of her two younger children, Martha and George, they also will be listed for enrollment as Cherokee freedmen on a doubtful card, It appears the applicant was never married but once, and these children all bear the name of Graves, She makes no application for her husband, who she states is a state man, and who never procured a Cherokee license, and from whom she has been separated for something like a year. The final decision of the Commission in regard to all of these names will be made known to the applicant herself at her post office address.

* * * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he ~~reported~~ correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 13th of June, 1901.

T. B. Needles,
Commissioner.

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HD 729

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 21 1901

ACTING CHAIRMAN.

F.D 729

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

by delivering a true copy thereof on the .....day of .....A. D. 1901.

Given under my hand this .....
day..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned ..... for the within named applicant hereby accept service of the within notice on this the 17 day of Sept 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....
on the ..... day of ..... A.D. 1901

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of [illegible] Graves
for enrollment as a Cherokee Freedman [illegible] Graves

Case No. F. D. [illegible]

To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on the following dates, to-wit: [illegible] A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible] day of [illegible] 1901.

SEP 16 1901

W. W. Hastings

J. Davis Sport

Attorneys for the Cherokee Nation.

File with the case of Ed Brown, C. T. D. 722.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 4, 1901.

SUPPLEMENTAL TESTIMONY in the case of Charles Martin et al,C.T.D.344

Appearances:
W. W. Hastings, Attorney for the Cherokee Nation
L.T.Brown,Agent, for the applicants.

W. R. LINDSEY, being first duly sworn by Commissioner T.B.Needles, testified as follows on the part of the Cherokee Nation.
(By Hastings)
Q What is your name? A W. W. Lindsey.
Q What is your age? A 48.
Q What is your postoffice address? A Tahlequah.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By adoption? A Yes sir.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q You married one of Colonel Joel Bryant's daughter? A Yes sir.
Q When did you return to the Cherokee Nation after the war? A Landed here on the 18th day of December 1865.
Q Do you know a colored man named Charles Martin, did you know him before the war? A Yes sir.
Q Who did he belong to? A Sarah Martin.
Q Have you ever seen him since the war? A Yes sir.
Q When did you see him for the first time since the war? A In the latter part of August, '71.
Q Where? A At Cherokee.
Q What was he doing there then? A He was with the Construction train laying track and ties.
Q On what road? A This road, the M. K. & T.
Q Did you recognize him when you saw him? A Yes sir.
Q Did you have any talk with him then? A Yes sir.
Q Just tell the Commission, Mr. Lindsey, what the conversation was with reference to his return? A I had a general talk with him about how he was getting along, where he had been and the like; I asked him about others of his kin folks and acquaintances that I knew and he said he had been continuously with the Construction train from some point way up in Kansas, I don't know that he said where, and that he had been with that a long time; and I asked him if he had never made him a home in the Cherokee Nation and he said he never had; and I asked him how he was getting along and he said he was getting along all right, that he had been working all the time and was making some money and saving some money and not spending any.
Q What became of him then? A He was back and forth with this train,I saw him several times in passing while they were at work there.
Q That was while this road was being built was it? A Yes sir, I saw him passing there after that but had no other conversations with him, I would speak to him in passing but that is all.
Q Did he say what point in Kansas he had come from? A I don't remember what point, I don't know that he said.
Q Do you know William M. Jackson, known as Captain Jackson? A Yes sir
Q Do you know when he moved a saw Mill up in that part of the country? A Yes sir.
Q When? A '71.
Q About the same time the road was built there? A Yes sir, they made Cherokee a terminus for about a month while they were building and afterwards they moved it to Gibson where they built on, and it was right after that that Captain Jackson put a saw mill on the crossing of Bryan's creek.
(By L. T. Brown)
Q You say you asked him if he had ever made a home in the Cherokee Nation? A Yes sir.
Q Did you ask him where he was in '66? A No sir.
Q Have you sentiment to see him since '71? A No sir.
Q How long did you see him there that time? A On a few times.

Q Through how long a period of time? A Only a little while, back or two, maybe, from the time I left that one, and I have not seen him since.
Q You say you saw a man named Jackson who was running a saw mill down there? A No sir, I didn't say he was running a saw mill.
Q What was he doing? A He was a lawyer and settling matters.
Q Didn't he run a saw mill at the time? A Yes, but I never said he was, I said he had a saw mill there.
Q The first time you saw this applicant in the Cherokee Nation after the war was the only time you ever saw him? A Yes sir.
Q He never said during that conversation that he had never been in the Cherokee Nation before "I did he? A No, he said that he had been with the Construction train from some point way up in Kansas.
Q When you asked him if he had never made a home for a home in the Cherokee Nation you meant if he had made a farm didn't you? A I asked him the question -- Yes, if he had come back to the Cherokee Nation and settled on a place.
Q You say you knew this man at the beginning of the war? A Yes sir.
Q Who was his owner? A Sarah Martin.
Q Was she a Cherokee citizen? A Yes sir.
(By the Commission)
Q Was he married or single when you saw him there? A Single.

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This will be filed in Cherokee Freedmen cases D.344 and R. 720.

- - - - - - -

Chas. Von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes thereon.

Chas. Von Weise

Subscribed and sworn to before me this 8th of October, 1901.

Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I. T. Oct 24 - 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of E. G. Franco et al for enrollment as Freedmenof the Cherokee Nation.

No. 7 N [illegible] 7

J. P. Bledsoe
Atty for Applicant

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 1, 1902.

In the matter of the application of Eli Graves for the enrollment of himself and child as Cherokee Freedmen.

SUPPLEMENTAL TO D-739.

Applicant represented by I. P. Bledsoe, Chouteau, I. T.
Cherokee Nation represented by J. S. Davenport.

GEORGE REDMON, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A George Redmon.
Q Where do you live, Mr. Redmon? A Humboldt, Kansas.
Q How long have you lived in or near Humboldt, Kansas? A Lived in Humboldt ever since '86, about July, '86.
Q In fact you have lived there then about all your life? A Yes, sir.
Q What's your age? A 37, will be 37 in September.
Q Since you lived in or near Humboldt, Kansas, did you get acquainted with some colored people that went by the name of Graves? A Yes, sir.
Q Do you know what the first names were? A Why I knew Charley Graves.
Q Well did he have a family? A Yes, sir, he had a family, wife and some two or three children while I knew him; I don't know how many more he had, but he had that many.
Q Do you know what his wife's name was? A Chaney, they called her.
Q Do you remember any of his children's names? A Eli and Ed; I remember those two.
Q Do you know whether or not they had any other children, of your own knowledge, that passed as their children? A Why I think they had; quite sure that they were theirs; he was feeding them, supporting them.
Q About when did you get acquainted with the Graves family, Mr. Redmon? A Why it must have been somewheres in '81 or '2, somewheres along there.
Q Where were they living at that time? A In Humboldt.
Q How long did they live there after you got acquainted with them? A They must have been there ten years I guess.
Q About what sized place is Humboldt? A Why I think about three thousand.
Q Do you know whether or not they kept house while they were there? A Yes, sir, they kept house.
Q How far did they live from where you lived, Mr. Redmon? A Two blocks north.
Q About how often would you see them during the time you lived there or they lived there? A Why I would see them probably two or three times a day, every day, had to pass very close to their place going up to town.

MR. BLEDSOE: Are you positive that this woman's name was Chaney?
Q Well, no, I am not positive that it was; but that's the name she went by there.
Q You don't know them for certain that this woman that we are talking about to be that identical woman that you speak of? A Well I am positive that it's Charley Graves' wife.
Q How long did you say you knew them to live there? A Why I knew them there about ten years.
Q You don't know in that time whether this Chaney ever came down to

the Nation or not? A No, I don't.
Q To your own knowledge you just saw them there occasionally as neighbors would see them? A Why I would see them every day.
Q What was Graves doing there? A Why he was a stone mason.
Q Working around by day's work and jobs around here and there wherever he could get work to do? A Yes, sir.
Q Do you know whether this Chaney owned any property there in Kansas or not? A Well, between them they owned a house and a couple of lots.
Q You don't know whose property that was? A Well they told me it was theirs; that is all I know about it; Charley told me it was his property.
Q Do you know where they went to from there? A No, I don't.
Q When did you first get acquainted with them there? A It must have been somewheres in '80 or '1 or '2, somewheres along there.
Q When did they leave from there to the best of your knowledge? A Why to the best of my knowledge it's been twelve or thirteen years ago.
Q They came off from there; do you know what became of them? A No, I don't know what became of them.
Q You haven't seen them since? A I have seen Charley once since, and I see the boy very often, Ed.
Q None living up in there now? A Nobody but Ed.
Q You don't know where they were prior to that time, I suppose, prior to 1880? A No.
Q Where they were living when you first got acquainted with him? (No response.)

MR. DAVENPORT: Why, did Ed live in there? A They were living there when I first knew them.
Q You said Ed, where does he live? A Living in Humboldt, working for his Uncle George.
Q What name does his uncle go by? A Graves.

MR. BLEDSOE: He is just working there by days' work I suppose, and not just like any other man? A Learning a trade with him.

MR. DAVENPORT: Is he married, have a family? A No.

JOSHUA ROSS, being first duly sworn, testified as follows:

MR. BLEDSOE: What is your name? A Joshua Ross.
Q How old are you? A 69.
Q Where do you live? A I live in Muskogee.
Q You are a Cherokee citizen by blood? A I am.
Q On all the rolls, I suppose, of the Cherokee Nation? A Well I ain't on the 1880 roll; I am on all of those rolls before and since then I think.
Q You have always been recognized as a Cherokee citizen? A Yes, sir.
Q Did your mother or any of your people own one Susie Ross? A No, my mother was named Susie Ross.
Q Well, that is, Chaney Ross; your mother's name was Susie Ross? A Yes, sir.
Q Did she own Chaney Ross? A Yes, sir, she owned a woman by the name of Chaney Ross.
Q Did this Chaney Ross have any children? A Yes, sir, she had
Q Did she have a girl named Chaney? A Yes, sir.
Q What ever became of that girl? A My brother, Richard Ross, brought her down here into the Creek Nation just about the breaking out of the war to marry, he had one or two little girls, and he brought her over to marry for him.
Q Your brother was a Cherokee citizen? A Yes, sir.

Q This Chaney was not sold to him? A No, sir.
Q Your mother just let him take her down here? A Yes, sir, that's my understanding.
Q That Chaney Ross, do you know her to be this Chaney Graves, the same identical person? A I do.
Q Do you know when she came back to the Cherokee Nation or whether she was here in '66 or not? A Well I remember of seeing her in '66, yes, sir.
Q Do you know whether she came back with Houston Rogers—

MR. DAVENPORT: I object to that, to putting a question in such a way as that.

MR. BLEDSOE: Do you know the date she came back to the Nation? A Only by hearsay, but I can tell you where I saw her.
Q Never mind; that's all.

MR. DAVENPORT: How many times have you seen her, Mr. Ross, since the war? A I don't remember of having seen her but once in '66 and then several years ago.
Q Do you know what time in '66 it was in? A No, I don't know; I simply remember of it, that she was there.
Q Well where has she been living the last twenty years? A I don't know anything about that. I claim that I can prove that she belonged to my mother and that she was never sold out of the country and that she was here in the Cherokee Nation in '66, and further than that I say not.
Q You don't know whether she was living here? A Well she was living here when I saw her.
Q Well how long has it been since you have seen this identical Chaney Graves that you speak of? A It's been six or ten, well I think it was in '94 about that time when I saw her last, somewhere along there.
Q Where was she living then? A Said she was living up in Coo-weescoowee District.
Q Well do you know of your own knowledge whether she was? A No, I said I don't know anything further than what I said.
Q Did you ever see her husband? A No, sir, not to know him.
Q Did you ever hear from either of them while they were living at Humboldt, Kansas? A No, sir.
Q Do you know of your own knowledge they did or did not live at Humboldt, Kansas? A No, I don't.
Q For a number of years? A No.
Q Where was Chaney and Charley Graves married, if you know? A I don't know anything about that.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-585, D-517, and in D-729, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of May, 1902.

Notary Public.

File with F. D. 729, Eli Graves.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MAY 27, 1902.

In the matter of the application of Chaney Graves et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-585.

Appearances:
I. P. Bledsoe, for Applicants.
W. W. Hastings, for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a certified copy of a marriage license issued at Iola, Kansas, to Charley Graves, of Allen County Kansas, aged twenty-two, to marry Chaney Field, of Allen County Kansas, aged twenty-one, by W. G. Allison, Probate Judge, and a certificate showing that they were united in marriage in accordance with said license on the 16th day of March, 1878, by D. C. Payne.

MR. BLEDSOE: The applicant objects to the same, being incompetent and immaterial, and not applicable to the case, and it is not in accordance with the laws regulating the laws of one State to another, and not compatible to the act in regard to taking evidence in this case.

MR. EDGAR SMITH: The offer of the above testimony is objected to because there is no law in this jurisdiction which would admit the testimony as offered, the same not being in compliance with the act of Congess made and provided with reference to the introduction of such testimony.

COMMISSION: This testimony will be filed with the case of Chaney Graves, the same being the case at bar, D-585, and in the case of Eli Graves, D-729, the applicants in the above cases being represented by I. P. Bledsoe. The above proceedings will also be made a part of the record in the case of Mary Downing, D-590, she being represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger

Subscribed and sworn to before me this 8th day of July, 1902.

(signed) P. G. Reuter,

SEAL.

Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me this 11th day of August, 1902.

Bruce C. Jones
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 13 1902

Acting Chairman

20 C-1325

IN RE

Application for Enrollment of

INFANT CHILD

Jefferson Brown

as a citizen of

Cherokee

Nation.

Approved

190

Commissoner.

Application made for his child by letter June 30 '02

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Jefferson Graves (Here insert name of child), born on the 23 day of January, 1902

Name of Father: Eli Graves a citizen of the Cherokee Nation.

Name of Mother: Edna Graves a citizen of the Cherokee Nation.

Post-office: Catale, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Edna Graves, on oath state that I am Twenty-Two years of age and a citizen, by adoption (freedman), of the Cherokee Nation; that I am the lawful wife of Eli Graves, who is a citizen, by adoption (freedman), of the Cherokee Nation; that a Male (Male or female) child was born to me on 23rd day of January 1902; that said child has been named Jefferson Graves, and is now living.

her
Edna + Graves
mark

WITNESSES TO MARK:

(Must be Two Witnesses) Archibald Bond
John T. Ezzard.

Subscribed and sworn to before me this 16th day of November 1904

My Commission expires Nov 1, 1905

John T. Ezzard.
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, , a , on oath state that I attended on Mrs. , wife of on the day of , ; that there was born to her on said date a (MALE OR FEMALE) child; that said child is now living and is said to have been named

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 5, 1904.

In the matter of the application for the enrollment of Jefferson Graves as a Cherokee Freedman.

APPEARANCES:
Applicant by his father, Eli Graves.
Cherokee Nation, No appearance.

ELI GRAVES, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q State your name, age, and post office address? A Eli Graves, 27 years old.
Q What is your post office address? A Catale, Indian Territory.
Q Have you ever made application to this Commission for enrollment as a Cherokee freedman? A Yes sir.
Q Do you remember the date? A No sir I don't, but it was when they were at Chelsea, I don't remember the date.
Q About what time in your best judgment? A I don't know, it must have been along in 1901, I can't recollect.
Q Who was included in your application besides yourself? A Me and my little girl, Mabel. I will not be 27 until the 5th of April, born in 1877.
Q Since making your application where have you resided? A In the Indian Territory, I have been out something like a month or two at a time workin' on a railroad, extra gang.
Q Where did you and your wife part? A 15th day of November a year ago.
Q 15th day of November, 1903? A Yes sir.
Q How many children have you at the present time? A Two.
Q What are their names? A Mabel and Jefferson.
Q Have you ever made application to the Commission for the enrollment of Jefferson? A I had a birth affidavit made out before Elliott at Chelsea and he sent them in twice and they sent them back and said they were not filled right.
Q Do you remember the date? A No sir I can't give you the date, it was in 1902, must have been spring or summer because he was born 23rd of January.
Q What year? A 1902.
Q How long after his birth was it that you made out this affidavit?
A It must have been three months, he was a pretty good size kid.
Q Who was the Notary that filled out that affidavit? A Elliott.
Q Where is he located? A At Chelsea.
Q Indian Territory? A Yes sir.
Q You say you made out two affidavits and sent them in and they were both returned? A Yes sir.
Q Was there any letter accompanying the return of the affidavits?
A Yes sir, they said something wasn't right about it.
Q Have you those letters? A No sir.
Q After receiving the second letter to the effect that the affidavit was improperly filled out did you fill out and send in a third one? A No sir, I just neglected to fill out the third one.

Q Why did you not fill out and forward an affidavit to the Commission as they requested? A I don't know, just kept on putting it off andnever attended to it.
Q Is this child living at present? A Yes sir.
Q Living with you? A Yes sir.
Q You and your wife living together again? A No sir she has got the girl and I have got the boy.
Q You are living at Catale? A Yes sir.
Q Can you get an affidavit from the Notary Public that filled out the birth affidavit to the effect that he did fill out a birth affidavit for you about that time? A I think so, the last time I talked with him he talked favorably said he filled them out all right, the second one came back he said he didn't recollect that the second one come back, he wouldn't talk much about it, he wouldn't talk nothing but buying my land is all he would talk about.
Q Do you think you could get his affidavit? A Yes sir, I think so.
Q Will you get his affidavit and forward it to the Commission?
A I will if I can.
Q Who attended on your wife at the time the child was born? A Her mother.
Q Can you get her affidavit? A No sir she is dead.
Q Can you get the affidavit of any other witnesses to the effect that this child was born? A Her father.
Q Was he present at the time the child was born? A No sir he wasn't present, we lived about three quarters of a mile apart.
Q You will get his affidavit and forward it to the Commission?
A Yes sir.

COMMISSION: From the records of this Commission it appears that on June 30, 1902, ~~there~~ the said Eli Graves was notified that the affidavit showing the birth of his child, Jefferson Graves, was improperly executed and the same was returned to him for correction. Copies of the correspondense ~~was~~ filed with this case and considered as evidence to the effect of the birth affidavit being filed within the time prescribed by Section 30 of the Act of Congress approved July 1, 1902 (32 Stats., 716).

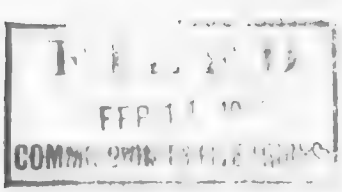
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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 11th day of February, 1905.

Charles H. Sawyer
Notary Public.



DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

United States of America,

Northern District,

Indian Territory.

Personally appeared before me the undersigned, Notary Public in and for the Northern District, Indian Territory, Charles Martin being personally well known to me and being duly sworn according to law deposes as follows:

I am the father of Edna Graves whose husbands name is Eli Graves; that said Edna Graves and Eli Graves were married according to law and that to them there was born a son whose has been named Jefferson Graves; that Jefferson Graves was born on the 23 day of January 1902 and is now living.

Further My wife who is now dead, was the midwife and attended Edna Graves at the birth of Jefferson Graves, My wifes name was Eliza Martin.

I know that Edna Graves made affidavit to the birth of Jefferson Graves and tried to have him placed on the rolls of the Commission to the Five Civilized Tribes, some tine in the spring o r early part of the summer of 1902.

Witness my hand this 16th. day of November 1904.

Charles + Martin
mark

Witness to mark

A. Bandr

Sworn to and subscribed before me this 16th. day of November 1904.

Archibald Bandr

Notary Public.

My commission expires December 20, 1904.

United States of America
Indian Territory, Northen district,

This is to certify that sometime in the spring of 1902 I made some birth affidavits for Eli Graves and and Edna Graves, I donot know just when it was nor for what child but it was for one that was borned in the winter before, and this was sent to the commission and was returned to me and then I made the second and gave it to Eli Graves and he taken it from the office tobe mailed,

Jan 9-1905

David G Elliott
Notary Public

1325

217

IN RE

Application for Enrollment of

INFANT CHILD

Jefferson Graves

as a citizen of

Cherokee Nation.

Approved [redacted] 190

Commissioner.

Application made for this
applt June 1902

FILED
COMMISSION TO FIVE TRIBES.

DEP

IN RE

Application for Enrollment of

INFANT CHILD

Jefferson Graves

as a citizen of

Cherokee Nation.

Approved [redacted] 190

Commissioner

Application made for this
Appl'd June 1902

FILED
COMMISSION TO FIVE TRIBES.

BIRTH AFFIDAVIT. 497

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Jefferson Graves (Give name of child.), born on the 23rd day of January, 1902.
Name of Father: Eli Graves a citizen of the Cherokee Nation.
Name of Mother: Edna Graves a citizen of the Cherokee Nation.
Postoffice Catale, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Northern Judicial District.

I, Edna Graves, Catale, Ind. Ter., on oath state that I am 23 years of age and a citizen by adoption(Freedmand. Cherokee Nation; that I am the lawful wife of Eli Graves (Freedman), who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female) child was born to me on 23rd day of January, 1902 that said child has been named Jefferson Graves and was living March 4, 1905; that no doctor attended me at the birth of said child; and the midwife is dead.

her
Edna + Graves
mark

Witnesses to Mark:
(Must be Two Witnesses) John T. Eggard
Archibald Bell

Subscribed and sworn to before me this 22nd day of April, 1905.

John T. Eggard,
Notary Public

My commission expires November 1st 1906.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, District

I, , a , on oath state that I attended on Mrs. , wife of on the day of , 1 that there was born to her on said date a (Male or Female) child; that said child was living March 4, 1905, and is said to have been named

Witnesses to Mark.

(Must be Two Witnesses)

Subscribed and sworn to before me this day of , 190

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jefferson Greves (Give Indian name of child.), born on the 23rd day of January, 1902.

Name of Father: Eli Greves, a citizen of the Cherokee Nation.

Name of Mother: Edna Greves, a citizen of the Cherokee Nation.

Post Office: Catale, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Northern Judicial District.

I, Edna Greves, Catale, Ind. Ter., on oath state that I am 23 years of age and a citizen by adoption(Freedman) Cherokee Nation; that I am the lawful wife of Eli Greves (Freedman), who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 23rd day of January, 1902 that said child has been named Jefferson Greves and was living March 4, 1905; that no doctor attended me at the birth of said child; and the midwife is dead.

her
Edna x Greves
mark

Witnesses to Mark:

(Sign in Two Witnesses.) John T. Eggard
Archibald Bell

Subscribed and sworn to before me this 22nd day of April, 1905.

John T. Eggard, Notary Public.

My commission expires November 1st 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, District.

I, , a , on oath state that I attended on Mrs. , wife of on the day of , ; that there was born to her on said date a (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named

Witnesses to Mark:

(Sign in Two Witnesses.)

Subscribed and sworn to before me this day of , 190 .

Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	297
Lena Severs	19	John Whitenhunt	359
Sarah E. McCoy	21	Tilman Chance	373
Joseph Harbenger	25	Thomas A. Sheffield	384
Laura Henson	42	Vester C. Martin	396
William W. Barnes	43	William Grigsby	417
Georgia Wood	54	William J. Largen	503
Walter A. Edens	62	Joseph P. Willis	504
Adda B. Ward	69	James T. Miller	508
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Mosier	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	708
Thomas N. Wilson	185	William Gordon	798
Ulmie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Paltine	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	847
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	268	William H. Barrow	867

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	995
Jasper N. Bateman	1020
Susan Ballard	1045
Lucy Eva Simmons	1073
Ellen Thornton	1080
Sarah E. Hair	1089
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Rozie Shepard	1123
Robert G. Elgin	1126
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Bengo	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1359
Mary E. Taylor	1368
Polly Ann Bengo	1369
Margaret Moton	1385
Minnie McKinney	1389
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1564
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Hendrich	1663
Daisy B. Brewer	1700
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1725
Gust Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1746
Willie E. Miles	1760
Lora Adair	1781
John Yarborough	1790
Lillie M. Dansby	1802
Bryant C. Redington	1804
Malica A. Maxwell	1806
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Bengo	1828
John H. Welty	1847
Edward P. White	1864
Lauren P. Green	1867
Charles Rosser	1868
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1927
John W. Gibstrap	1954
Sarah Young	2045
Nancy A. Coleman	2049
James N. Whisenhunt	2113
Hiram Stephens	2157
Ann L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2231
Sarah Gritts	2238
John A. Maddox	2261
Henry C. Peanel	2271
Matilda S. Cleland	2288
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Slocum	2339
Nancy J. Sevier	2380
Mollie Blair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Rutledge	2511
James L. Townsend	2513
George L. Morgan	2566
Andrew A. Brown	2575
Lewis K. Fair	2633
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleston	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Elias O'Field	2977
Margaret Sungee	2993
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Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3108
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B. Ryne	3193
Elias Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3253
William A. J. Trotter	3287
Albert P. Goforth	3296
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3425
Thomas S. Hendy	3427
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3960
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

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Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
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Frances Guess	4324
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Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
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John W. McDaniel	4544
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Ada Chouteau	4549
Mary Thompson	4571
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Annie E. Coker	4605
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Maggie O. Walkley	4695
George W. Talbert	4698
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Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

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John E. Etter	5239
Harriette Rogers	5240
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Emma Chambers	5328
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John M. Sharp	5509
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Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Hendrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
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Emma Pigeon	5676
Nellie Bluejacket	5677
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Elsie Couch	5688
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Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
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Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
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Emma J. Ward	5778
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Richard L. Fite	5815
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Mary C. Barnes	5853
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Mamie Beck	5887
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John D. Merchant	5889
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Alfred W. Shelly	5935
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Waddie Hudson	5937
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Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
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James T. Carroll	5964
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Minerva E. Stover	5966
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Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
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Henderson B. Thomas	6144
Hugh T. Watkins	6163
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Berry Hutchins	6186
Eli Parker	6189
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Julia Keys	6211
Boon J. Grey	6214
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Jane Bean	6232
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Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
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Lucinda Poorboy	6279
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Henry W. Pyeatt	6300
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John T. Hall	6310
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Katie Still	6325
Emmer Carlile	6338
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Matilda Cookson	6387
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William O. Ames	6394
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Daniel A. Smith	6447
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Sarah Adair	6452
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Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
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Jacob C. Johnson	6876
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James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
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James Maher	7128
Terry A. Parkinson	7146
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John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
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William I. Branan	7409
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Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
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Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
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James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
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Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
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William T. Cave	9572
William Bugher	9577
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John E. Nazworthy	9583
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John C. Barker	9591
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Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
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Joseph E. Feland	9623
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William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
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Pheney Poorboy	9660
Charley Kiper	9671
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Daniel Crail	9770
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Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
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Robert E. Dry	9875
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Moses L. Morris	9889
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Stephen Duncan	9892
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John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
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Edith B. Pheasant	9935
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Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
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Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingsley	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Dixie Conner	D	2688
John Culwell	D	2689

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2706
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Osoowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stueker	D	2829
Sallie Tauuenecie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Evelina Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S J Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simeo	D	3060
George O. Wallace	D	3069
Fannie Clay	D	3070
Ellen Drew	D	3076

Leo Fish	D	2991	Della Biddridge	R	136
Hannah Gray	D	2992	Samuel Bixby	R	137
Lula Fisch	D	2993	Malissa Fields	R	144
Lelia C. Harris	D	2994	Fred Zimmerman	R	230
Thomas Jones	D	2995	Ella Anapach	R	241
Benjamin Love	D	2996	Michael R. Miner	R	256
Martha Spade	D	2997	Belle A. Powell	R	282
Julian Wyrick	D	2998	Austin L. Hill	R	429
Samuel Harlan	D	3157	Mary L. Dudley	R	430
Lizzie Fleetus	D	3171	Stephen Hacket	R	433
Jack Michael	D	3172	Mary A. Payne	R	434
Sarah E. Davis	D	3176	Rebecca Bangs	R	509
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	639
Mamie Thompson	R	4	Andrew Sitzell	R	642
Jennie G. Thompson	R	5	John Sitzell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	666
Rosanna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	781
Gabriel L. Payne	R	61	Clara M. Emerson	R	865

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 19, 1907.

(COPY)

Muskogee, Indian Territory, June 30, 1902.

Eli Graves,

Catale, Indian Territory.

Dear Sir:

The affidavit as to the birth of your child Jefferson Graves is returned to you herewith in order that you may procure the affidavit of the attending physician or midwife who was present when said child was born. Please give this matter your immediate attention and return the affidavit to the Commission at Muskogee where it will receive further consideration.

Yours truly

(Signed) T. B. Needles
Commissioner in Charge

(C O P Y)

Chelsea, Ind. Ter. July 16th 1902.

Gentlemen:-

as to the inclosed letter will say that the affidavit spoken of in was not in the letter and pleas send same to me at once and I will have this aytended to at once.

Yours truly.

(Signed) Eli Graves

Cherokee freedmen
D 888; D729; D 800

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Chaney Graves, et al., granting the applications for the enrollment of Chaney, Harry, Nellie, Andy, Lillie, Fred, Martha, Georgia, Eli and Mabel Graves, Albert Mimsy and Mary and Leegustus Downing as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-20

Commissioner in Charge.

Cherokee Freedmen
D-888 & D-739.

Muskogee, Indian Territory, April 26, 1904.

I. P. Bledsoe,

Agent for Chaney Graves et al.,

Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Chaney Graves et al., granting, among others, the applications for the enrollment of Chaney, Harry, Nellie, Andy, Lillie, Fred, Martha and Georgia Graves, Albert Minsy, Eli and Mabel Graves, as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-8.

Cherokee Freedmen,
D. 729.

Muskogee, Indian Territory, April 26, 1904.

Eli Graves,

Catale, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your minor child, Mabel Graves, as Cherokee Freedmen.

Respectfully,

Register

Chairman.

Enc. D-5.

COPY.

Cherokee Freedmen
1326.

Muskogee, Indian Territory, November 21, 1904.

Eli Graves,

Catalay, Indian Territory.

Dear Sir:

The Commission is in receipt of an affidavit executed by Edna Graves on November 6, 1904, showing the birth, on January 25, 1902, of Jefferson Graves, minor child of Eli and Edna Graves. The same being in due form will be filed with and made a part of the record in this case.

Respectfully,

Tams Bixby
Chairman.

COPY.

Cherokee Freedmen

No. 1326.

Muskogee, Indian Territory, April 17, 1905.

Edna Graves,

Chelsea, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of April 3, 1905, relative to the enrollment of your minor child, Jefferson Graves, as a Cherokee freedman.

In reply you are advised that the affidavit showing the birth of the said Jefferson Graves has been misplaced, and in order that the records of the Commission may be complete, there is herewith inclosed another blank form of birth affidavit which you are requested to have properly executed and forward to the Commission at your earliest convenience in the inclosed return penalty envelope.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-37.

Cherokee
10008

Muskogee, Indian Territory, January 10, 1907.

Mary E. Palmour,

Chelsea, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn.__D_____ Commissioner.

Cherokee 10008

Muskogee, Indian Territory, March 14, 1907.

Mary E. Palmour,

Chelsea, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

S.W.

Commissioner.

Cherokee
8 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation was affirmed by the Department January 26, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-100.
HJC

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 7, 1901.

In the matter of the application of Mary Downing for the enrollment of herself and one child as Cherokee Freedmen.

Mary Downing, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Mary Downing.
Q How old are you? A 30.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anyone besides yourself? A One child.
Q Have you a husband? A Yes, sir.
Q Is he a Cherokee Freedman or a white man? A He is a Cherokee Freedman.
Q Why do you not apply for him? A He has been enrolled.
Q Do you know whether he is on the 1880 roll? A No, sir, I don't think he is.
Q What is his name? A Johnson Downing.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were born in the Cherokee Nation? A Yes, sir.
Q And never lived out of it? A Yes, sir.
Q Give me the name of your father? A Charley Greves.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A Charley Greves.
Q Is she alive? A Yes, sir.
Q Was it your mother who applied for enrollment a short time ago, in the course of this day? A Yes, sir.
Q She applied for herself and seven children? A Yes, sir.
Q Have you a brother named Harry? A Yes, sir.
Q And a sister named Nellie? A Yes, sir.
Q And a brother named Andy? A Yes, sir.
Q And a lot more? A Yes, sir.
Q Well, you are in the same general condition as your family? A Yes, sir.
Q You are on the Kern-Clifton roll? A Yes, sir.
Q You were enrolled when they were enrolling and left off when they were left off, were you? A Yes, sir.
Q Give me the name of your child? A Reagarter.
Q How old is that child? A Three years.
Q When were you married? A I don't know.
Q About how long ago? A About four years.
Q Have you a certificate of marriage? A No, sir.
Q Is there someone here who knows that you have been married? A Yes, sir, Willis Martin.

Willis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Willis Martin.
Q How old are you? A I am about 28 or 30.
Q What is your post office? A Catale.
Q Do you know this applicant here? A Yes, sir.
Q How long have you known her? A I have known her seven or eight years.
Q What was her name when you first knew her? A Mary Grey.
Q Do you know her mother? A Yes, sir.
Q What is her mother's name? A Charley Grey.
Q Has Charley got a boy named Harry? A Yes, sir.

And another girl besides this one named Mollie? A Yes, sir.
Q Well you mean Mrs. Chaney Graves; that is that woman's name?
A Is it? I knowed her by the name of Gray.
Q This is a child of that woman, is it? A Yes, sir.
Q Well, who was it this woman married? A Johnson Downing.
Q About how long ago? A About four years.
Q Was this woman ever married until that time? A No, sir, not that I know of.
Q How long have you known Johnson Downing? A Been knowing him about nine or ten years.
Q Well, was he ever married before he married this woman?
A Not that I know of.
Q They were both too young before the times you knew them to get married, they were children pretty much then? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant's parents not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 147, No. 3649, Tahlequah district, as Mary Graves.

Commissioner: The applicant applies for the enrollment of herself and one child. She states that she has lived in the Cherokee Nation all her life. She is identified on the Kern-Clifton roll. Her change of name arising from marriage is established in a satisfactory manner. She is the wife of Johnson Downing, who is on Cherokee Freedman doubtful card D-606, and she is the daughter of Chaney Graves, who is on Cherokee Freedman doubtful card D-585. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card. And for further evidence in her case, there will be filed with the testimony in her case, the testimony in the case above cited of her mother. If she should fail of enrollment in her own right, she would still have remaining whatever rights may be found to exist as a Cherokee by intermarriage to her husband. It appears that neither of them was previously married, and that they have lived together ever since their marriage. As for her child, Leogustus Downing, this child is too young to be upon any roll. It is desired that she supply the Commission with a proper certificate of birth of the child, then it will be listed for enrollment as a Cherokee Freedman on a doubtful card, with its mother. The final decision of the Commission in regard to the applicant and her child will be made known to her at her post office address. The child will also have in addition to its claim through its mother, the right of any claim that may be established in the case of its father as above cited.

****

Bruce E. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce E. Jones

Sworn to and subscribed before me this the [illegible] day of June, 1901.

Commissioner.

B. F.I. 590

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 7 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 7 1901.

Post Office Catale I. T.

District Cher

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 W. Name of wife Mary Downing Age 20

Owner's name ..... Citizenship .....

Year K. C. Page 147 No. 3649 District Cher

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

2 W. Leucretia Downing Year — Page — No. — Dist. — 3

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. Father No. 1, Johnson Downing Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No. 1 Stenographer B C Jones

1 Ans to Q. roll as minor Denies
2 Affidavit of birth to be supplied

Reg. No 308 9-5-85

CHEROKEE FREEDMAN.

D. 2090

20

IN RE

Application for Enrollment of

INFANT CHILD

Augustus Downing

as a citizen of

CHEROKEE Nation.

Approved, JUN 7 1901 190

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 7 1901

ACTING CLERK

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Sequistus Downing (Here insert name of child) born on the 9 day of January, 1898

Name of Father: Johnson Downing, a citizen of the Cherokee Nation.

Name of Mother: Mary Downing, a citizen of the Cherokee Nation.

Post-office, Catale I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mary Downing, on oath state that I am 20 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Johnson Downing, who is a citizen, by adoption of the Cherokee Nation, that a male (male or female) child was born to me on the 9 day of January 1898 that said child has been named Sequistus Downing, and is now living.

Mary Downing

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 7 *day of* June 1901.

Louis T. Brown NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Chaney Graves, a midwife, on oath state that I attended on Mrs. Mary Downing, wife of Johnson Downing on the 9 day of January, 1898 that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Sequistus Downing.

Chaney Graves

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 7 *day of* June 1901.

Louis T. Brown NOTARY PUBLIC

My com. ex. Mch 17/1902

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Com.

Opinion Graves - JJ.

The [illegible] court of [illegible] county in this case is affirmed.

Opinion rendered July 4, 1901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 7th, 1901.

In the matter of the application of Chaney Graves for the enrollment of herself and seven children as Cherokee Freedmen; she being sworn by Commissioner T. B. Brooksbridge, testified as follows:

T. B. Pleasner, appears for the applicant;
James Davenport, Cherokee Representative.

Examined by Com'r Brooksbridge:

Q What is your name? A Chaney Graves.
Q How old are you? A 44.
Q What is your postoffice? A Oaktaha.
Q What district do you live in? A Canadian.
Q Do you want to apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to have enrolled besides yourself? A Ten children
Q Are these children all under 21 years of age? A There is seven.
Q You can apply for seven then. Have you a husband living? A He was the last time I heard from at home.
Q You dont apply for him? A No sir.
Q Are you separated from him? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Were you taken out of the Territory during the war? A No sir I was taken into the Creek Nation.
Q Were you brought back to the Cherokee Nation after the war? A Yes sir, in '65.
Q Have you lived here ever since? A Yes, sir.
Q Give me the name of your father? A Andy Fire.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Nancy Ross.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A Going on three years.
Q What was he? A A Creek.
Q How long has your mother been dead? A Ever since I was little.
Q You don't remember her? A No sir.
Q What was your mother? A Cherokee.
Q A Cherokee citz before the war? A Yes sir.
Q To whom did she belong? A Susie Ross.
Q Did you belong to Susie Ross also? A Yes sir.
Q Was Susie Ross a well known Cherokee citizen? A Yes sir.
Q Where did she live? A In Saline district.
Q Did you know anything about her husband? A No sir.
Q Give me the names of your children? A Henry.
Q How old is he? A 18 years old.
Q Next child? A Willie.
Q How old is that? A 16.
Q The next child? A Andy.
Q How old is Andy? A 15.
Q The next one? A Minnie.
Q How old is she? A 13.
Q The next one? A Fred.
Q How old is he? A 11.
Q The next one? A Martha.
Q How old is she? A 9.
Q The next one? A Georgia.
Q How old is this one? A 6 years old.
Q Are they full blood Creeks? A Yes sir.
Q When were you and Graves married? A We was married in 1876.
Q Are you on the roll of 1896? A No sir.
Q When did you and he part? A Last Fall.

Chaney Graves -- 2.

Q Is he a Cherokee freedman? A No sir he is a state man.
Q Is there some one here that knows that you and he have been living together as man and wife and knew you before you were married? A Yes, sir

ROSS HASTY, called and sworn as a witness for the applicant, testified as follows:
Q What is your name? A Ross Hasty.
Q How old are you? A 46 or 47.
Q What is your occupation? A Farmer, Station.
Q Do you know this applicant here? A Yes sir.
Q What was her name when she was a girl? A Chaney Ross.
Q How long have you known her? A Ever since she was a girl.
Q Give me the name of the man she married? A Charles Graves.
Q Is he a white man? A Yes, sir.
Q They have got a lot of children have they? A Yes, sir, ten.
Q Are they all Graves children? A Yes sir.
Q Has she been known as Graves all the time? A Yes sir.
Q And this is the same woman that formerly you knew as Chaney Ross? A Yes sir.
Q Did you know her mother? A Her mother was Chaney too and they called this woman Little Chaney
Q She has been dead some time? A I don't know exactly how long she has been dead.
Q Did you know her as a slave in the Cherokee Nation? A Yes, sir.
Q Who was her master? A Houston Ross.
Q What was his wife's name? A I don't know, I think his wife was a Creek woman.

By Mr. Davenport:

Ross, this woman's mother belonged to Dick Ross? A To one of them Rosses.
Q That is the one that married a Creek woman and lived in the Creek Nation. He is a brother to Joshua Ross in Muskogee? A Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant not found thereon.
Neither applicant nor her children are found on the 1896 roll.
The Kern-Clifton roll examined and the applicants found as follows:
Page 147 No. 3648, Chaney Graves, Oowoogeedowa district
Page 147 No. 3650, Harry Graves, "
Page 147 No. 3651, Nellie Graves, "
Page 147 No. 3652, Andy Ross, "
Page 147 No. 3653, Lillie Graves, "
Page 147 No. 3654, Freddie Graves, "

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Continuation of the above cause reported by B.C.Jones.

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Chas.von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed Chas von Weise

Subscribed and sworn to before me this the 18th of June, 1901, at Bowata, I.T.

Signed, T. B. Needles,
Commissioner.

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Taking of deposition of Chaney Graves, resumed from Stenographer Chas. von Maine, June 7, 1898. Before Commissioner Breckinridge.

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Rose Hardrick, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Rose Hardrick.
Q How old are you? A 71.
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation? A Ever since I have been born.
Q Were you out during the war? A Yes, sir.
Q Are you on the roll of 1880? A No, sir.
Mr. Bledsoe: Do you know Chaney Graves here? A Yes, sir.
Q How long have you known her? A Ever since she was born.
Q Who was her father: you know who her father was? A Yes.
Q What was his name? A Andy Fields.
Q What was her mother's name? A Chaney Ross.
Q Was her mother a slave or a Cherokee citizen? A Yes, sir.
Q Who? A Susie Ross, a Cherokee indian.
Q Where did she live? A Down here in Saline, close to the Locust Grove.
Q Was this child and her mother there during the war, in the war, this girl or her mother? A I seen the girl after the war.
Q What time? A In '66.
Q Where did you see her? A I seen her up here at my house.
Q Where was that? A On Grand River.
Q In what district? A Delaware district.
Q Cherokee Nation? A Yes, sir.
Q How have you seen this woman Chaney here off and on ever since? A Yes, I have seen her off and on mighty near ever since, until she moved into the neighborhood where she is living now, right there I am living at
Q She lives here in the Cherokee Nation? A Yes, sir.
Q Do you know any of her children? A Yes, sir.
Q What children do you know? A Eli, Ed, and Harry, Andy, and Mary, and Nellie and there is another one, but I don't know her name.
Q She has quite a family of children? A Yes sir.
Q Mr. Davenport: Rose, where did you go when the war broke out, if you went anywhere? A Well, the federal army took me to Fort Scott.
Q This girl too went to Fort Scott? A No, she didn't go with me, I went with my master.
Q How far were you living from where this girl was living at the time the war broke out; you went to Fort Scott you say with her master? A No, with my master.
Q Well, what time did you go to Fort Scott? A Well, when the soldiers came down and taken us away.
Q When did the soldiers come? A I don't know, I can't tell you what year they came, I don't know any education.
Q What it before 1863 then? A I don't know, I don't know any dates you know at that age of the world I wasn't allowed to read or write.
Q How long did you stay in Kansas after you went up there? A Stayed up there until after the war was ended.
Q How long after the war ended did you stay in Kansas?
A I don't know, might have stayed between three or four months or maybe longer, I don't know.
Q Do you know what year the war closed? A No, I don't.
Q Do you know what year it commenced? A No, I don't know what year.

Q Did you go to Kansas before the war began? A Didn't I tell you I went when the soldiers took me and my master out of here together?
Q I would like for you to answer the question.
A I can only answer you what I know.
Q Did you go to Kansas before the war began: there was soldiers here before the war? A I never seen him.
Q Don't you know there was a post before the Civil war, for years before the Civil war broke out, at Fort Gibson? A I am talking about the war time.
Q You know there were soldiers at Fort Gibson before the war began?
A Yes, I know that.
Q Did you go out with those soldiers before the war began, or after the war began? A No, I told you I went out when the soldiers came in here and taken me and my master out.
Commissioner: Can't you answer that point? A That was in the war time.
Q Will answer the questions directly. A That was in the war time.
Mr. Davenport: You don't know where this girl's mother was taken to during the War? A No, I don't.
Q How long before you went to Kansas with the soldiers till you had seen this girl and her mother? A That winter.
Q Widowie Rose living when the war broke out? A Yes, he was.
Q Was his wife Susie living with him? A Lewis Rose' wife wasn't named Susie? Susie was Lewis Rose' sister in law.
Q Who was her husband? A Bill Rose, not W. P. Rose but his uncle.
Q Susie Rose then had one son named Josh? A Yes, sir.
Q And she had one named Dick? A Yes, sir.
Q Both of these children married Creek women prior to the war?
A I don't know that time they married.
Q Don't you know Josh and Dick had married? A Josh wasn't married when the war broke out, but he went from the place.
Q Dick had married before the war broke out? A I don't know, Dick had moved off from his uncle's.
Q You knew Dick well? A Yes, I know he was a clerk right at his uncle's.
Q You knew Dick as well as you knew this girls mother and the girl?
A I guess I did.
Q Was Dick living at his mother's, or that neighborhood when the war broke out? A No, I said he had moved off.
Q Do you know where he went to? A No, I don't.
Q Do you know whether he married a citizen of the Creek Nation?
A No, sir.
Q Do you know where that girl and her mother was living when the was broke out? A Right on Susie Rose' place.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Do you know when they came back to the Cherokee Nation, if they ever left it? A She died before she came back.
Q How do you know? A Because her son came and said so.
Q I am asking you of your own knowledge? A She didn't come back here, she was left in Kansas, and she died there, that is what I heard.
Q Her mother then went to Kansas too? A Yes, she went there.
Q Don't you know she didn't do any such of a thing, but she went south? A Who?
Q The mother? A The mother of this girl? I would be willing to bet my hand the mother of this girl went north, and this girl was taken south; the mother went north and the girl south.
Q You don't know when the girl came back, if she ever came?
A I don't know when the girl came from the south.
Q You are an applicant for citizenship here, aren't you? A Yes, I claim it.
Q You live up here on the Creek north of here? A Yes.
Q Do you belong to the Protective Citizenship Association, that

Chaney Graves - 2.

Rolsch Bennett is one of the members of? A You didn't come here for that business did you?
Q I came here to represent this matter, and if this Commission thinks I am improper, he will tell me so.
Commissioner: This is not improper; you have got a right to [illegible] your proposition.
A Well, I am in it, I am a judge of it too.
Mr. Davenport: Isn't the applicant a member of it too? A No, she is not in it. We have got mad in it to do our business, we haven't got women at all.
Q You didn't come back in time in '98? A Ask your grave it?
Q You have contended I have got in that your own people will not recognize you, they never have yet. A You can't find one of my people that will not recognize me.
Q Have you ever got any of them who are recognized to swear that you were here in time? A Yes, I can get them all here to swear I am in time.
Q You are not a recognized citizen? A I voted and there among with the Delmars; that is something you don't do.
Q When did you first see this stamp after the war closed? A I saw her in the summer of '98.
Q How do you know it was? A Because the Indians told it was.
Q You asking you about your own knowledge? A I didn't have knowledge enough to know it.
Q You don't know then of your own knowledge what time it was?
A No, the Indians told me it was.
Mr. Riddle: To the best of your knowledge and belief, it was in the year 1867? A Yes.
Mr. Davenport: I object to the question and the manner of putting it.
Commissioner: He has really covered the point.

FRANK ROSS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Frank Ross.
Q How old are you? A 52.
Q What is your postoffice? A Ogden.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q You were out during the war? A Yes, sir.
Q You have lived here all your life except during the war?
A Well, I was in here pretty near all during the war, the biggest part of the time.
Q Are you on the roll of 1880? A Yes, sir.
Q Do you know the applicant here, Chaney Graves? A Yes, sir, I know her.
Mr. Riddle: How long have you known her? A I have known the [illegible], ever since she was a small girl.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Her mother's name was Chaney.
Q Chaney what? A Chaney Rose we used to call her.
Q Who did her mother belong to? A Belonged to Susie Rose.
Q You think she a citizen of the Cherokee Nation? A She used to be, belonged to them at the commencement of the war.
Mr. Davenport: I object to any testimony as to the mother, for this girl was born and raised before the war; it is shown that girl was old enough to have been a slave at the beginning of the war herself, and it would be immaterial who she belonged to, the mother belonged to.
Commissioner: He is simply trying to show the status of

the child at that time.

Mr. Blakemore: Do you know this girl belonged to Susie Rose or not?

A Yes, sir, she lived with them.

Q Was she a slave of Susie Rose? A She lived with them, she was in Saline district.

Q Cherokee Nation? A Yes, sir.

Q Did you see that girl after the war? A Yes, sir, I saw her after the war.

Q In what year did you first see her? A Her cousin brought her there where we were living, that is not her cousin, Rose Rogers, brought her to her cousin where we were living on the Elder place, in 1866.

Q Where was that, in what district? A Close to the mouth of Pryor Creek on Grand River.

Q On which side of the river? A West side of the river, on the old military road.

Q And have you seen this girl since that? A I have seen her off and on since that.

Q She has been living here in the Cherokee Nation, has she? A Yes, sir, as far as I know she has.

Q Do you know any of her children? A I know some of them.

Mr. Davenport: Frank, where were you living when the war broke out?

A Me, I was living on Grand River, where the Orphan Asylum is now.

Q You were a slave of Lewis Rose? A Yes, sir.

Q Where was this applicant living at that time? A She lived below there with Susie Rose.

Q Where was Dick Rose, son of Susie Rose, living when the war broke out? A I don't know where he was living then.

Q Dick had married a Creek citizen prior to the breaking out of the war some years? A Not as I know of, he might have.

Q Did you never hear of the fact of his living in the Creek Nation? A No, I knew Josh lived there.

Q Josh didn't live there before the war? A Yes, I think he did, but I don't know whether he was married.

Q Dick lived in the south somewhere from where you lived? A Yes, sir, he stayed there I don't know how long, with his uncle.

Q Then he went away and married somewhere south? A He went away, I don't know anything about his marriage.

Q You never knew anything of him living there: did you see him after the war? A No, sir.

Q Did you see this girl's mother after the war? A Yes, sir, I seen her directly after the war.

Q She came back the same time her girl came? A No, I never seen her mother back, I seen this girl, this girl didn't go; her mother went north and she went south.

Q Did her mother ever come to the Nation? A No, sir, not that I know of.

Q But you saw her mother where? A When I got out of the army I saw her in Kansas.

Q You were an enlisted soldier in the army? A Yes, sir.

Q What year did you meet her? A I came to the Nation in the year '83, in the spring of '84, in March.

Q Well, when you came, did you come back to the old home place, or where did you go to? A I went to the old home place, and went to Gibson then, and back to Pryor Creek.

Q What year did you leave Gibson and come back on Pryor Creek?

A It was in '88.

Q Do you know where Sina Martin went during the war? A I think he went south, I am not sure.

Q Did you know at that time G. W. Rogers, commonly called Clem?

A No, I never got acquainted with him until along in '88 when he commenced running for offices.

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Q Where was he living when you first got acquainted with him?
A Living around here on Dog Creek.
Q You didn't know him when he was living at Fort Gibson? A No, sir.
Q Did you know a colored man by the name of Bob Walker who lived near Clem Rogers for a number of years? A Yes, sir.
Q Did you know him then? A No, I didn't get acquainted with him till he lived on Caney.
Q Did you know Bob Rogers? A Yes, sir.
Q Did you know him down about Fort Gibson? A Yes, sir.
Q When were you there at Fort Gibson? A I was at Fort Gibson '82, '3, '4, '5, and '6.
Q Do you know who brought this girl back to the country? A No, sir, I don't know anything about that.
Q You don't know whether or not she came back before Clem Rogers came or after he came? A No, the first time I recollect seeing the girl was in '65 when Rose brought her to her cousin's where we were living.
Q What makes you remember? A Because I know it.
Q You remember what year the war broke out? A I think it was '61.
Q You remember what year it closed? A '65, in August when peace was declared.
Q You were then in the army? A Yes, I was in the army.
Q You have been living down in Saline district ever since? A I never lived to Saline district. Never said I lived there.
Q Didn't you say you lived in Saline district before the war?
A No, I said I lived in Saline, but I always stayed in Cooweescoowee
Q Well you belonged, did you, to Rose, Lewis Rose, before the war? A I lived with him till I got big enough to look after the cattle, and then he put me on the ranch up in Cooweescoowee.
Q Then Susie Rose, the owner of this girl, lived on the east side of the river? A Yes, sir, she lived below the old Lewis Rose place in Saline district.
Q You never was over to the home of Susie Rose or Lewis Rose after he put you on the ranch? A No, sir, I didn't live there.
Q That wasn't considered your home? A Yes, but I didn't stay there.
Q Where did you live? A I lived on his ranch.
Q Who controlled you? A Joe Rose, his nephew.
Q Joe lived in Saline? A No he didn't.
Q He didn't then? A No he didn't stay on the ranch, he wasn't married till after the war, and then he lived in Saline.

RAB ROGERS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q What is your name? A Rab Rogers.
Q How old are you? A I am about 65 years old I guess.
Q What is your postoffice? A Lenapah.
Q How long have you lived in the Cherokee Nation? A About 65 years.
Q Were you out during the war? A No, sir: out and in with the soldiers.
Q Are you on the roll of 1880? A I think I is.
Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.
Q To whom did you belong? A Clem Rogers.
Q Where did Clem Rogers live? A Well, he lived out on the Verdigris right where my place is now.
Q Do you know this applicant here, did you know her before the war broke out, this woman Chaney Graves? A Not before the war broke out.
Q Did you know her mother, ever? A I have saw her mother.
Q Did you see her before the war? A Her mother, yes sir, I have seed her.

Chaney Eggs - 6.

Q Did you see her mother after the war began? A Her mother, no sir.

Q Who did her mother belong to? A Belonged I think to Jessie Eggs.

Q How far did her mother live from you before the war? A I expect it was about, must have been 30 or 40 miles.

Q You didn't know much about that distance then? A No, we didn't see much of them, but then we would pass, it wasn't far from the old road, we would pass on our way back to the Verdigris, our home.

Q When do you first recollect seeing this woman after the war? A It was in '66 when I saw her.

Q Where was that? A In Fort Gibson.

Q Who was she with? A With old man Rose, my brother.

Q Houston Rogers? A Houston Rogers.

Q How did she happen to be with Houston Rogers? A Well, Houston Rogers came from the south, and then he went back after his wife, and then they came back he fetched this girl with him.

Q And whether that was after he came back with his family that you saw him with this girl? A Just as soon as I came I saw them back, they were all together, this girl had come with his wife and him to her

Q Is your brother Rose on the 1880 roll? A Yes, sir, I guess he didn't enroll her.

Q And you saw this girl with your brother there at that time?

A Yes, sir.

Q You are positive about that? A Yes, sir, I don't tell nothing unless I know it.

Q What fixes that in your mind, what makes you remember it; did you stay with your brother Rose much after that? A No, sir, he came and stayed with me, Rose came and stayed with me.

Q Bringing this girl with him? A Yes, sir, fetched the girl with him.

Q Where was her father at that time? A I don't know, sir, nothing about him.

Q Have you ever known him or kept the run of him? A No, sir, I didn't.

Q Well her mother, was she dead at that time? A I can't tell you anything about her mother, whether she was dead or not.

Q Now when your brother Rose brought this girl up and stayed with you, how long did they all stay there together with you? A Well, I didn't keep much count.

Q Did they settle down there? A Well, it was on this Jim Pettit place.

Q Did they make a crop there with you? A We were making a crop

Q Did they help you make a crop? A I don't know whether she did or not.

Q I mean the outfit? A Yes, we and Houston made a crop.

Q Was the girl along all the time? A I don't know, I don't remember whether she was there all the time.

Q Was she at your house all the time? A She was there all the time she was there.

Q When she left your house, where did she go? A I reckon it was her cousin came there and took her to Bill Looney's.

Q How long had she been at your house then? A Well, I guess can't just say how long she did stay there, but she stayed through part of the summer or maybe two or three months.

Q Well, what have you seen of her from that time until now, have you seen much of her? A From the time she went off?

Q Yes; A Well, I never saw her any more until she came back down there to Tahlequah.

Q About how long was that before she came down there? A Might have been ten or twelve years.

Q Is that near where you live now? A Well, I don't live at Tahlequah now, but that was my place then.

Q Did she stay around there long? A She went to my brother's there

Chimney Grocer - Dr.

and was hooked.

Q Did she make her home there? A Not that I know of, she stayed there.

Q What do you know about her, have you seen much of her since she was at your house some after the war? A No, I haven't seed her so much, I seed her at Talala, and I seed her at Claremore, and then I seed her back here the other day.

Q She had never lived in your neighborhood? A No, sir, never lived in the neighborhood where I live.

Mr. Gladmon: Did you know this girl before the war? A No, I don't know but to say know her, she was too small for me to be knowing a little girl before the war, but I might have seed her.

Q You knew her mother? A Yes, I saw her mother.

Q And you know Chaney to have had children, do you; know whether her mother had any children or not? A No, I can't just say: Sophia and Noun' wife's mother, they were both there, but I don't know whether she had any children, but this girl belonged to Josh Rose, he took her away from there, and there is where she come from, Josh Rose, right there is where she came from when she came with Nowe.

Q When was that? A Must have been about the time of the war.

Mr. Davenport: You had come from the army back to Fort Gibson after the close of the war before this girl was brought there?

A Yes, sir.

Q Do you know whether or not G. W. Rogers, or Glen Rogers, had come back before this girl came back? A No, sir, because he sent my brother there, he gave my brother a horse and sent him to me.

Q That is what I am asking you about; didn't Glen Rogers and Nowe Rogers come back together to Fort Gibson and stay a while, and then Glen fitted Nowe up with a horse and sent him back after the family, and then is when he brought the girl? A No, you asked me like you wanted ~~for~~ me to dispute you, and I didn't want to do it

Q I want you to tell me like it was? A No, sir, Mr. Glen Rogers I saw him down to Fort Smith, and he told me he would send Nowe to me, and I bought a hat, and tobacco, and some things, and sent it to Bend, and Mr. Rogers started and went down there, and gave him a saddle and bridge and a horse, and then sent him, sent Nowe, to me.

Q You had been to Fort Gibson and then Glen Rogers sent Nowe to you? A Yes, sir.

Q That is the time he brought this girl? A No, sir.

Q Nowe came back a while and visited you? A Yes, sir.

Q And then went to Texas, and then sometime when he returned, brought this girl back? A He went right, and took my horse and took the horse Mr. Rogers give him, and went to Fort Gibson, and then Nowe drove somebody else's team, and went on.

Q Did Nowe and Glen Rogers come back together the last time?

A No, sir.

Q How long after Nowe made this trip and brought this girl until Glen came? A Nearly a year, Glen Rogers didn't come there till '67 or '68.

Q When Nowe and this girl came to you, you were making a crop out on the Pettit place? A No, sir, me and Nowe went there in '66, I got the place, and then Nowe, he left right back down, stayed with me a time, and then when he came there then I went and got this farm from Pettit.

Q That was what time in the year that you came on the Pettit place, in '66? A We got it time enough to go to plowing.

Q Did Nowe come back early enough in '66 to help make a crop in '66?

A He must have.

Q Did he or did he not? A Well, we made a crop.

Q Nowe came back long before the treaty was made? A Well, I was there when they ratified the treaty, but I can't just say how long it was.

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Q Well, was Nowe there at Fort Gibson when the treaty was ratified?
A Yes, sir, he must have been there, yes, sir, Nowe was there.
Q How long had he been there, if you remember, or about how long, when the treaty was ratified? A Well, sir, I never kept no count, I never kept count of any such, but then he was there, and we made corn,
we made some there, and I didn't just keep no regular count of it.
Q Who else was living there at that time Mrs. of the Cherokee families, you remember any of them living at Fort Gibson in that time?
A Yes, sir, lots of them.
Q Give me the names of one or two of them? A Well, if you tell me who is living there now I will tell you who was living there then: there is a many one of them dead now. Do you know Jonah Vann? And then I guess there was a store keeper there named Henry Meigs.
Q Where was George Sanders, was he there? A George Sanders was there.
Q Where was F. M. Nash, was he there? A Well, Nash was there.
Q Charlie Willie was there too? A Charlie Willis, yes, sir.

Commissioner: The applicant applies for the enrollment of himself and seven minor children? She is identified on the Kern-Clifton roll, and claims to have been a slave of a Cherokee citizen at the beginning of the civil war, in the Cherokee Nation. Her change of name arising from marriage is established in a satisfactory manner. It appears that she was taken south during the war, but she states that she came back, according to her understanding, in the year1866, and this is affirmed by witnesses, who state that she was here at that time in the Cherokee Nation. It seems that her mother was dead, and she was being cared for by other mothers of the relationship. She is now 42 years of age. She is identified on the Kern-Clifton roll, and for the further consideration of her case, and the testimony, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. Of the seven children named in the testimony, the first five are identified on the Kern-Clifton roll. All are living now, and they will be listed for enrollment as Cherokee Freedmen on a doubtful card, with their mother. When she supplies the Commission with a certificate of the birth of her two younger children, Martha and George, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card. It appears the applicant was never married but once, and these children all bear the name of Graves. She makes no application for her husband, who she states is a white man, and who never procured a Cherokee license, and from whom she has been separated for something like a year.

The final decision of the Commission in regard to all of these names will be made known to the applicant herself at her postoffice address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones

Sworn to and subscribed before me this the 15th of June, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that he copied the foregoing.

E

NoRD 590

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned [redacted] for the within named applicant, hereby accept service of the within notice on this the 17 day of Sept 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
.....
Notary Public.

RECEIVED
SEP 18 1901

.....
Indian Commissioner.

NOTICE!

IN THE MATTER OF the application of Mary Downing for enrollment as a Cherokee citizen:

Case No. D 500

To Mary Downing, or I. P. Bledsoe Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 24th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 17th 1901.

L B Bell

W. Lee Hainer

Attorneys for the Cherokee Nation.

7. 07D590

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1901

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita N.T. Oct 23-01

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Mary Downing et al. for enrollment as Freedmenof the Cherokee Nation.

J.P. Bledsoe
Agent for Applicant,

No. C.T.D. 590

I, Mattie K. Beatty, being duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie K. Beatty

Subscribed and sworn to before me this 11th day of July, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 13 1902

ACTING CHAIRMAN

File with D. 590, Mary Downing.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MAY 27, 1902.

In the matter of the application of Chaney Graves et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-585.

Appearances:
I. P. Bledsoe, for Applicants.
W. W. Hastings for Cherokee Nation.

W. W. HASTINGS: The Cherokee Nation offers in evidence a certified copy of a marriage licenses issued at Iola, Kansas, to Charley Graves, of Allen County Kansas, aged twenty-two, to marry Chaney Field, of Allen County Kansas, aged twenty-one, by W. G. Allison, Probate Judge, and a certificate showing that they were united in marriage in accordance with said license on the 16th day of March, 1878, by D. C. Payne.

MR. Bledsoe: The applicant objects to the same, being incompetent and immaterial, and not applicable to the case, and it is not in accordance with the laws regulating the laws of one State to another, and not compatible to the act in regard to taking evidence in this case.

MR.EDGAR SMITH: The offer of the above testimony is objected to because there is no law in this jurisdiction which would admit the testimony as offered, the same not being in compliance with the act of Congress made and provided with reference to the introduction of such testimony.

COMMISSION: This testimony will be filed with the case of Chaney Graves, the same being the case at bar, D-585, and in the case of Eli Graves, D-729, the applicants in the above cases being represented by I. P. Bledsoe. The above proceedings will also be made a part of the record in the case of Mary Downing, D-590, she being represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger

Subscribed and sworn to before me this 8th day of July, 1902.

SEAL. (signed) P. C. Reuter.

Notary Public.

I, Mattie E. Bethel being duly sworn, state that my above
name was signed to the foregoing affidavit at the time I caused the
grammar to be corrected in the first sentence, and the
foregoing testimony and statements in the above stated case, and the
same is a true copy from the original.

Mattie E. Bethel

Sworn to and subscribed before me this 5th day of July, 1902.

Bruce Clowes
Notary Public.

A

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chaney Graves, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Chaney Graves, et al.,....	Cherokee Freedmen	D 886
Eli Graves, et al.,.....	" "	D 729
Mary Downing, et al.,....	" "	D 890

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Chaney Graves for herself, her minor children, Harry, Nellie, Andy, Lillie, Fred, Martha and Georgia Graves, and subsequent to the date of her original application, an affidavit was filed with the Commission and made a part of the record herein showing the birth of Albert Winsy, minor grandson of Chaney Graves; by Eli Graves for himself and his minor child, Mabel Graves and by Mary Downing for herself and her minor child, Leogustus Downing. The testimony taken at various times in the matter of the application of Charles Martin, et al. is made a part of the record herein.

The evidence shows that the applicant, Chaney Graves, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion, but returned thereto within six months after July 19, 1866. All the other applicants herein were born since 1866 and are the descendants of said Chaney Graves.

The evidence further shows that said Chaney Graves has resided in the Cherokee Nation since the time of her return, as aforesaid; the other adult applicants have resided in said Nation all their lives and it is considered that the minor applicants herein have resided, since their birth, with their respective parents, through whom they claim.

It is, therefore, the opinion of this Commission that Chaney Graves, Harry Graves, Nellie Graves, Andy Graves, Lillie Graves, Fred Graves, Martha Graves, Georgia Graves, Albert Winsy, Eli Graves, Mabel Graves, Mary Downing and Leogustus Downing should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this MAR 5 1901

FILED
1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Mary Downing,
Okmulgee, I. T.
Cherokee F-T-590
Register.

[illegible]

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Chaney Graves, et al., granting the applications for the enrollment of Chaney, Harry, Nellie, Andy, Lillie, Fred, Martha, Georgia, Eli and Mabel Graves, Albert Kinny and Mary and Lemuel Downing as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-20

Commissioner in Charge.

[illegible] Mrs. Downing
Dawes.

Muskogee, Indian Territory, April 26, 1904.

Mary Downing,
Catale, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, granting, among others, your application for the enrollment of yourself and your minor child, Imogene Downing, as Cherokee freedmen.

Respectfully,

Chairman.

Register

Enc. D-6.

Commissioner Breckons
Dawes.

Muskogee, Indian Territory, April 24, 1900.

Edgar Smith,

Attorney for Mary Downing et al.,

Vinita, Indian Territory.

Dear Sir:

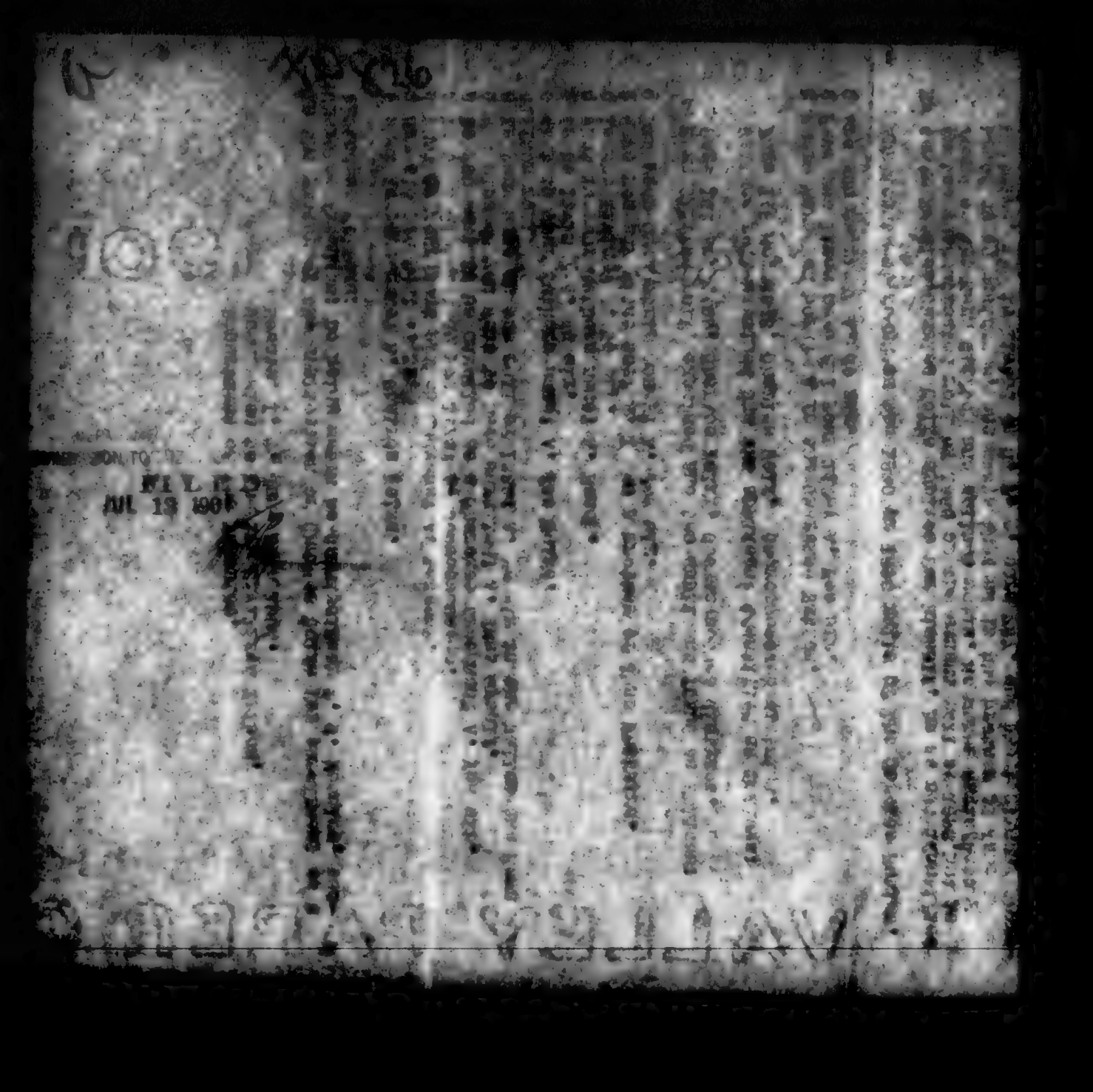
There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated cases of Shanks Graves et al., granting, among others, the application for the enrollment of Mary and Longstreet Downing as Cherokee freedmen.

Respectfully,

Chairman.

Register

Enc. D-7.


FILED
JUL 19 1961

Department of the [redacted]
Commission to the Five Civilized Tribes,
Muskogee, I. T. [illegible]

In the matter of the application of Charles Wolfe for enrollment as a Cherokee freedman; he being sworn by [illegible] testified as follows:

Q What is your name? A. Charles Wolfe.
Q How old are you? A. 30.
Q What is your post office address? A. [redacted]
Q In what district do you live? A. [redacted]
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled? A. Just myself.
Q Is your name on the roll of 1880? A. No sir in the Wallace and Keen Clifton roll.
Q What is your father's name? A. Ann Wolfe.
Q Is he living? A. No sir.
Q What is your mother's name? A. Nancy.
Q Is she living? A. No sir.
Q Have you any witnesses? A. I am a brother of Jane Whitmire.
Q Did you know their mother? A. Yes sir.

Keen Clifton roll, examined and the applicant found as follows: Page 286 No. 4180, Charles Wolff, Tenmescowee district.

Wallace roll examined and the applicant identified as follows: Page 148 No. 3048, Charles Wolf, Tenmescowee district.

Q Where were you born? A In the Cherokee Nation.
Q Have you lived here all your life? A. Yes sir.
Q Are you married? A. No sir.

Applicant not found on the 1880 or 1896 rolls of the Cherokee Nation.

By [illegible] Charles Wolfe applies for himself, he is not identified on the authenticated roll of 1880 or the census roll of 1896, but is found on the Keen Clifton and Wallace rolls. He makes satisfactory proof as to residence, and swore that he is the brother of Jane Whitmire, who is listed on D. D. C. card 787, and the testimony therein is hereby referred to and will be made a part hereof and a copy of the same will be filed with this case. The said Charles Wolfe will be listed for enrollment as a Cherokee freedman on a doubtful card, and will be notified of the final result of the investigation by mail.

* * * * * * * * * * * * *

That, ver Voice, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 6th of July, 1901.

[signature]

Commissioner.

(B) 38826

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 24 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 2 1901

Post Office Lenapah I.T.

District Cov

1. Name Charles Wolfe Age 20

Owner's name Citizenship

Year R.R. Page 166 No. 400 District Cov

Parents:

Father Joe Wolfe — dead Citizenship

Mother Nancy " — dead Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mrs. / Stenographer Chas. von Wrede

1/ R.R. Rollins Charles Wolfe

1/ Wallace " Page 146 + 3048 — Charles Wolf — do

X Pl 797

2

JE 826

COMMISSION ON THE FIVE

FILED

SEP 7 1901

To be filed with the case of Chas Wolf C. T. D. #826

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 22, 1902.

In the matter of the application of Dick Whitmire for the enrollment of himself, wife and [illegible] as Cherokee freedmen; he having appeared and examined by Commissioner Needham, he testified as follows:

Q What is your name? A. Dick Whitmire.
Q Did you file [illegible]? A. I have always been claiming it Dick.
Q How old are you?
Q What is your post office address? A. Lenapah.
Q What district do you live in? A. Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you claim as [illegible]? A. My family.
Q How many [illegible] children? A. 5 children.
Q What is the name of your wife? A. Jane Whitmire.
Q How old is she?
Q Give me the names of your children, those under 21 years of age and [illegible]
Q How old is [illegible]? A. 18.
Q What is [illegible]
Q What is [illegible]
Q [illegible] A. No.
Q [illegible] A. 20.
Q [illegible]
Q [illegible] A. B.
Q [illegible]
Q [illegible] A. Both of whom he was 2 years old.
Q [illegible] A. Yes Sir.
Q [illegible] A. No sir.
Q [illegible] A. Joe Wolf.
Q [illegible] A. Nancy Wolf.
Q Is she [illegible]
Q Your wife [illegible] of a slave.
Q Scobleland [illegible] of one.
Q Are [illegible] A. Yes sir.
Q What [illegible] your wife's citizenship? A. Dave

[illegible] as citizens of the Cherokee Nation examined [illegible] on page 199 # 3000, Dick Whitmire, [illegible], adopted colored;
[illegible] of the Cherokee Nation examined [illegible] on page 287 #743 Dick Whitmire Jr.,
[illegible] Wife says: " Wife not on 1880 roll."

Q Where [illegible] your wife? A. Yes sir.

[illegible] of citizens of the Cherokee Nation
[illegible] of the Cherokee Nation examined
[illegible] of the Cherokee Nation examined
[illegible] Coowescoowee Dist.,
[illegible] Coowescoowee District;
[illegible] Whitmire, Coowescoowee District.
page [illegible] Whitmire, Coowescoowee District.

[redacted] district.

Q [redacted] married before you married [redacted] A. No sir.
Q [redacted] married before she married you? A. No sir.
Q [redacted] A. [redacted] sir.
Q [redacted] A. [redacted]
Q You claim all interest by your wife through her mother or father or both? A. Through her father.
Q Well do you know anything about it? A. I don't know anything about it

WITNESS THIS, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A. Sarah Vann.
Q How old are you? A. 53.
Q What is your [redacted]? A. Cherokee.
Q Are you a [redacted]? A. Yes sir.
Q Is your name on the Roll of 1880? A. Yes sir.
Q Do you know [redacted], wife of Elam Whitmire? A Yes sir, that's my niece.
Q What was her [redacted]? A. Joe Wolf.
Q What is her [redacted]? A. Nancy.
Q Was she ever married? A. Yes sir.
Q Who did she marry? A. Eagle Wolf.
Q Was [redacted] A. Yes sir.
Q Was Mary, [redacted] was just working same as I was, working [redacted] with [redacted] raised her.
Q The [redacted] Mrs. Wolf, who was there with her.
Q Was [redacted] and when they were with her? A. Yes sir.
Q Did they go out of the Cherokee Nation during the war? A. Yes sir [redacted] to Joplin, Missouri.
Q [redacted] A. Yes sir.
Q Been living here ever since? A. Yes sir, until she died.
Q You are certain they came back in '66? A Yes sir, and I did too, I came right along with them.
Q Did they live together as man and wife? A. Yes sir.
Q Was [redacted] while they were living together as man and wife?
A Yes sir.
Q Were they [redacted] before the war? A. Yes sir, hey never [redacted] were married.
Q [redacted] before the war.
Q [redacted]
Q [redacted]
Q [redacted] Nancy died? A. Yes sir.
Q [redacted] besides Jane? A. Yes sir three, [redacted]
Q [redacted]
Q [redacted] A. Yes sir.
Q [redacted] A. Yes.
Q [redacted] A. A half sister.
Q [redacted] and Abb.
Q [redacted] ane? A. Yes sir.
Q [redacted] A. Yes sir.
Q [redacted], the same father? A They had one [redacted]

Q [redacted] married Nancy? A. Yes sir his [redacted]
Q [redacted] A. Yes sir.
Q [redacted] and these boys and Nancy, these last [redacted] wife and Sookey and Rockwell and Abb [redacted] wife? A. Yes sir.
Q How many did he have by Nancy? A. Jane and Delilah.
Q Any others? A There ain't no more.

Q You are certain they came back in '65? A Yes sir, and I came with them.
Q Was Jane born when they came back? A. Yes sir.
Q They brought Jane back with them? A. Yes sir.
Q Where was Nancy born? A. In Kansas, she was just a year old.
Q Did you come back in 1865? A Yes sir.
Q Your name is on the roll of 1867? A Yes sir, I think so.
Q Joe Wolf and Nancy came back with you? A. Yes sir, we all came together.
Q Where did Joe and Nancy come to when they came back? A. Pryor's creek.
Q They lived there until they died? A. They moved up on Verdigris.
Q They lived in the Cherokee Nation until they died? A. Yes sir.
(By W. W. Hastings, Cherokee Nation:)
Q What is your husband's name? A. Edmond Venn.
Q What part of Pryor creek did you come to? A. Right down here where the section house is now, on Pryor creek.
Q Where Bryan Venn live? A. Yes sir.
Q Sam Mayes living there at that time? A. Yes sir.
Q Tip Mayes living there? A. Yes sir, and I went to work for them, they was right there.
Q Where did [illegible] Nancy Wolf locate? A. On Pryor's creek.
Q Did they build a house near you? A. Yes sir.
Q And lived right there? A. Yes sir.
Q How far from where you located? A. Right there, we just lived a quarter of a mile apart.
Q And his name was Joe Wolf and his wife was Nancy? A. Yes sir.
Q What was your nearest Cherokee neighbors at that time? A. I couldn't tell you who all, but I can tell you some of them.
Q Well? A John F Vann lives over there, and this here Cochran, Jesse Cochran, he lived over there.
Q Did Mose Higer live over there too? A. Yes sir.
Q There [illegible] you have mentioned will know when Joe and Nancy Wolf returned after the war? A. I don't know.
Q Now about how long did Jane's parents live there on Pryor creek before they moved from there? A. Well indeed I don't know how long they lived. They lived until they died, up here on Verdigris.
Q I mean how long did they live on Pryor Creek before they moved off of Pryor Creek? A. [illegible] three years I think.
Q Where did you live during the war? A. In Flint.
Q You [illegible] Nancy Wolf? A. Yes sir, first mistress was Nancy [illegible] Mary Nave.
Q Joe and [illegible] right along in the same crowd that you came back together? A. Yes sir, we all came back together.
Q Did you testify before the Kern Clifton Commission, that you all came back together? A. I dont know if I was asked, I never did know, if I did I didn't think about it.
Q Didn't you say they came back about the time you did? A [illegible] brother [illegible] together.
Q Now I ask you which it was you saw Joe? A. Well I guess it must have been when I came back, I don't know which.
Q He was living over on the Neutral Land? A Yes sir.
Q And [illegible] Yes sir.
Q That was 70 or 8 hundred miles apart wasn't it? A Yes sir.
Q Whom was Joe's wife Nancy before the war? A. With him when he married her.
Q Had you ever seen her before the war? A. I never saw her until then.
Q Until [illegible] war or before? A. Just before the war.
Q How long before the war? A I couldn't tell you how long, but it seemed like it was that summer I saw her.

Q. Did you see [illegible] A. Yes sir.

Q. [illegible] two or three years before the [illegible]

[illegible] where she was? A. [illegible] there on

[illegible] and I went home with her.

[illegible] Commission that your son

[illegible]? A. If I did I don't remember

[illegible] you disposed of out of your land-

[illegible] I guess, the old lady died.

[illegible] Pryor creek did he? A. Yes sir, he

[illegible] witness, testi-

[illegible]

[illegible]

[illegible]? A. Yes sir.

[illegible] sir.

[illegible] A. Ever since she was a [illegible] child.

[illegible] Yes Wolf.

[illegible] know.

[illegible] belonged to a woman, the Wolf be-

[illegible]

[illegible] A. Yes sir.

[illegible] Nation during the war? A. Yes sir

[illegible]

[illegible]

[illegible]? A. They returned in the spring

[illegible] I know it.

[illegible] A. Yes sir, I was with them.

[illegible] sir.

[illegible] to Pryor Creek.

[illegible] them? A. Yes sir.

[illegible] ever married or not? A. Yes sir.

[illegible] They live in two miles of me now

[illegible] No sir, I wasn't at the wedding.

[illegible] man and wife? A. Yes sir, ever

[illegible]

[illegible] get? A. I don't know exactly, they

[illegible]

[illegible] with her father and mother in '66? A

[illegible]

[illegible] sir.

[illegible]

[illegible] come up? A. On the Neutral land.

[illegible]

[illegible] A I don't know.

[illegible]

[illegible] I know when he went up there

[illegible] up there? A I dont know exactly

[illegible] in Kansas before the war? A. He may

[illegible]

[illegible] after that? A. I dont recollect

[illegible]

[illegible] No sir.

[illegible] war? A. I couldn't tell you;

[illegible] on the Neutral land. I never seen

[redacted] before the war, [redacted]
[redacted] I don't know just how [redacted]
[redacted] belonged to the same [redacted]
[redacted] the Neutral Land I don't know whether I
[redacted]
[redacted] the slightest recollection of seeing him [redacted]
[redacted]
[redacted] Neutral Land before the war? A. I never
[redacted] belonged to the old [redacted] and I belonged
[redacted]
[redacted] did you live in Kansas? A. I don't know exactly,
[redacted] I moved [redacted] as we [redacted] Kola, first place
[redacted]
[redacted] you?
You all [redacted] A. Yes, sir.
You [redacted] Fryer [redacted]? A. I didn't, he did.
[redacted] Fryer [redacted] A. I believe it
[redacted] there [redacted] place close.

[redacted], being [redacted] and examined by Gen'l Woodlan, testified as follows:

Q. What is your name? A. Frank Rose.
Q. How old are you? A. 26 years.
Q. What is your post office? A. Hayden.
Q. You are a [redacted] Cherokee? A. Yes sir.
Q. [redacted] the applicant? A. Yes sir.
Q. [redacted] A. Yes sir.
Q. [redacted] A. Ever since she come here a little
[redacted]
Q. [redacted] A. Yes sir.
Q. [redacted] A. Joe Wolf.
Q. [redacted] A. Nancy Wolf.
Q. [redacted] A. I suppose he was. I didn't know him before
the war.
Q. Did you know Nancy before the war? A. No sir
Q. [redacted] associated with Joe Wolf and Nancy? A. On
[redacted] where they lived.
Q. [redacted] A. Yes sir.
Q. [redacted] and Nancy Wolf after the war? A. In April,
'66.
Q. [redacted] Nancy's around, there they lived.
Q. [redacted] A. She was a baby then, small child.
Q. [redacted] A. Yes sir, she growed up there.
Q. [redacted] A. No sir, I went to the army.
Q. [redacted] A. '65.
Q. [redacted] since '65? A. No I was
[redacted] back to the Cherokee Nation.
Q. [redacted] Nation? A. March, '66 .
Q. [redacted] and Nancy? A. Yes sir.
Q. [redacted] before that? A. No sir.
Q. [redacted] did Joe die? A. Yes sir.
Q. [redacted] A. With a man named Armstead
[redacted]
Q. [redacted] A. About 2 miles
[redacted]
[redacted]
[redacted]
Q. [redacted] A. I was living in Tom
[redacted] live right on Fryer's Creek.

[redacted] his wife Nancy, [redacted]

[redacted] of his [redacted] and humbly [redacted] of the [redacted] proof of [redacted] obtain [redacted] Piedmont on a [redacted] of the Commission, [redacted] will be [redacted] post office address of [redacted] action of the Commission on the premises.

* * * * * * * * * * * *

W. B. Brown, being first duly sworn, states that as stenographer to the Commission in the above entitled matter he reported in full all the proceedings and testimony in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 28, 1911.

[redacted] W. B. Brown,

Commissioner.

\$

I, Chas. Wm. Dorn, upon my oath state that the above is a true copy of the original.

Chairman.

Subscribed and sworn to before me this 6th day of September, 1911.

[redacted]

M D Green

NP

File with Cherokee Rolls C. F. T. Cit.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. F. T. #604.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the [illegible] applicant.

T. F. Thompson, being first duly sworn by Guy T. Bowden, testified as follows on the part of the Cherokee Nation.
(By Davenport)
Q What is your name? A T. F. Thompson.
Q Where do you live? A 5 miles south of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '65 in October
Q Did this applicant go with your family? A He never was with us during the war.
Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q About what year was it? A As well as I remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
Q Where was he living at that time? A On Big Creek, he told me.
Q Did he say then that he had been living on Grand river at the old place? A No sir.
Q You had always lived on the old place since your return? A Yes sir
Q Same place you lived on prior to the breaking out of the war? A Yes sir.
Q Had the applicant been there after the war -- to your house? A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes sir.
Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.
(By Smith)
Q What was your father's name? A Jonathan Thompson.
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized citizen of the Cherokee nation? A Yes sir.
Q Did he own Daniel Thompson before the war? A Yes sir.
Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
Q What time did you get back here after the war? A October, '65.
Q You came to this place? A Our old place.
Q How far from where Vinita is now? A 12 or 15 miles.
Q How old were you then? A 18 years old.

Q Just a boy? A Yes sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there--I went to school one or two sessions at Fea Ridge, Arkansas.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71? A Yes sir.
Q You dont know how long he had been in the Cherokee Nation? A No sir.
Q You dont know where he was during the war? A No sir.
(By Davenport)
Q When were you at home? A In '67, in the fall.
Q You was at home then from '66 to the fall of '67? A Yes sir.
Q You never saw the applicant there then? A No sir.
Q Never heard of him being there did you?
BY MR. SMITH: I object to him stating what he might have heard.
(By Smith of Witness)
Q All you know is that you never saw this applicant until in '71 or '2? A Yes sir.
Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Capt. T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A David Stinger.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Since '72.
Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes sir.
Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here--thought he would come back home as he called it.
Q Did he have a family with him then? A Yes sir.
Q What year was that? A I think in '72.
Q What improvements had he made then? A Nothing, he was just in a wagon there.
Q Did he say what he had gone to Kansas? A No, I dont know anything about that.
Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him? A Yes sir.
Q Did he afterwards have a place there? A Yes sir.
Q Where has he been living since? A Right there all the time.
Q What year was this you say he came there? A '72.
(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
Q How long had you been there in '72? A I came there in '71.
Q Where from? A Fleming, Illinois.
Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

POOR ORIGINAL - BEST AVAILABLE COPY

Q You don't know where this man Daniel Thompson was in 1864? A No I dont know that.
Q You dont know where he was in '65? A No sir.
Q Or in '66? A No sir.
Q Or in '67? A No sir.
Q Or in '68? A No sir.
Q Or in '69? A No sir.
Q You dont know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned them from Kansas.
Q You don't know whether he had been here before that or not? He sir he said he was owned here before the war.
Q You dont know when he first came here after the war? A No sir, only that time.
Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when yous came there in '71? A No sir.
Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Gov't T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.
Q Where do you live? A On Big creek., Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever sing the fall of '64 I think I went there then or in the spring of '65.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Good many years, I cant say exactly how long. I think he moved in there on Big creek right close to me. I think he came from Kansas there in the fall of '72, and he has lived there ever since.
Q Did he settle a place there when he came down? A Yes sir.
Q How far from you? A Two and a half miles.
Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.
Q Did he have his family with him? A Yes sir.
Q Children? A Wife and three children.
Q Did you have any conversation with him ? A Yes sir, he told me he just moved out from Kansas.
Q Did he tell you that he was a slave here before the war? A Yes sir, but right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.
Q Were you in the army? A Yes sir.
Q When were you discharged from the army? A I was discharged, I think it was in '62.
Q In what? A '62.
Q You were discharged before the war closed? A No sir.
Q But you think it was in '62 that you were discharged? A I believe it was.
Q In the Winter? A Somewhere along there.
Q Somewhere in '62 or '63? A Yes sir.
Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.
Q Didn't you say then that you were discharged in the year '62 from

the army? A I dont think I did, I think I said I didn't know exactly.
Q Didn't you in that same case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '65.
Q I am not asking you when you were discharged, I am asking you what you said then ? A I don't think I did.
Q When did the war close, what year? A I think it was in '61, wasn't it?
Q When did it commence? A You are just a little ahead of me when it commenced, I dont remember it.
Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.
Q What did they discharged you for the first time? A Three years service.
Q Then you went back the second time? A Yes sir.
Q How long did you stay then? A Two years .
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of '66.
Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
Q And you are certain you were discharged from the army after the war was over? A Yes sir.
Q And you got here in '66? A Yes sir.
Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.
Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.
Q You dont know how long he had been here before that? A No sir.
Q You dont know when he came here? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.
Q Nor when it closed? A No sir.
Q Had Dave Stinger come to your place before Daniel Thompson came on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.
Q Where did you go then? A Kansas.
Q Where did you stop in Kansas? A Neosho [illegible] River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
Q Did you have any trouble up at Chetopa? A No sir.
Q Were you never arrested in Kansas? A No sir.
Q Do you remember a man named Cage in Chetopa? I dont remember, I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No sir.
Q Didn't he have you arrested? A I dont think so.
Q Don't you know? A I know I wasn't arrested there.
Q Have you ever been arrested at all? A Yes sir.
Q Where? A In the Cherokee Nation.
Q What for ? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

This is [illegible] testimony will be [illegible] application of
Daniel Thompson, Chairman [illegible] case in D. C. Docket
D-622 and D-695 and [illegible]

[illegible]

Miss. Von Weise, [illegible] was employed
to the Commission to [illegible] reported it and
all the proceedings [illegible] foregoing is
a full, true and [illegible]

[illegible]

Subscribed and sworn to [illegible]

[illegible]

Examiner

[illegible]

[illegible]

[illegible]

Chas. Deute C. F. D. #22

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Charles Deute et al., C. F. D. #22
for enrollment.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

By Mr. Hastings: I desire to file a certified copy of J. A. Cady, County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867, there appears the following: " Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, who is not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

(COPY)

State of Kansas: ss.
County of Linn :

I, J. A. Cady County Clerk within and for the above named County and State, do hereby certify that I have examined the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867 and based upon residents of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Cady
(SEAL) County Clerk of Linn County, Kansas.

By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subsequent thereto as found upon the records of this Commission.

Chas. von Weise, being sworn states that he stenographer to the Commission to the Five Civilized Tribes is required in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the notes by him taken and correct transcript of his stenographic notes of said proceedings.

Subscribed and sworn to before me this 5th of November, 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Solomon Wolfe, et al. for enrollment as Cherokee freedmen, consolidating the applications of

Solomon Wolfe, et al.,.....Cherokee Freedmen 3 676
Charles Wolfe,.....Cherokee Freedmen 3 686

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission, by Solomon Wolfe for himself, his wife, Leanna Wolfe, and his minor child, Ola Wolfe; and by Charles Wolfe for himself. Copies of the testimony taken at various times in the cases of Joseph Smith, et al.; Abraham Ward, et al., Dick Whitmire, et al. and Isabel Thompson, et al. are made a part of the record herein.

The evidence shows that all the applicants herein, except Leanna Wolfe, are the descendants of one, Joe Wolfe, and were born since 1839; that the said Joe Wolfe was the slave of a Cherokee citizen at the commencement of the rebellion; and that he left said Nation during the rebellion but returned thereto prior to January 19, 1867.

The evidence further shows that the said Leanna Wolfe, who was born [illegible] is a descendant of one Joseph Smith and [illegible] through [illegible] and that she and her parents [illegible] the said Joseph Smith was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Nation during the rebellion and returned to the Nation prior to January 19, 1867, and that she and others after January 19, 1867. The names of Solomon Wolfe [illegible] are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Solomon Wolfe and Charles Wolfe have resided all their lives in the Cherokee Nation, and the residence of the said Ora Wolfe is considered to be here also, since birth, with her father.

It is, therefore, the opinion of this Commission that Solomon Wolfe, Ora Wolfe and Charley Wolfe should be enrolled as Cherokee Freedmen, in accordance with the provisions of section [illegible] of the act of [illegible], approved June 28, 1898 (30 Stats. 495); and that the application for the enrollment of Lemma Wolfe as a Cherokee Freedman should be denied, under the provisions of said section, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stoney
Commissioner.

Muskogee, Indian Territory,
this JAN 2 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Charles Wolfe,
Lenapah, I. T.
Cherokee-F-D-828.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-809, D-826.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, in the consolidated case of Solomon Wolfe, et al., granting the applications for the enrollment of Solomon, Ola and Charles Wolfe, and rejecting the application for the enrollment of Leanna Wolfe, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. H-21.

COPY.

Cherokee Freedmen
D-809 D-826.

Muskogee, Indian Territory, January 25, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Solomon Wolfe et al., including the Commission's decision dated January 2, 1904, granting the applications for the enrollment of Solomon, Ola and Charles Wolfe, and rejecting the application for the enrollment of Leanna Wolfe as Cherokee freedmen.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-62.

COPY.

Cherokee Freedmen
D-686.

Muskogee, Indian Territory, January 25, 1904.

Charles Wolfe,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated January 8, 1904, granting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Enc. D-60.

Commissioner in Charge.

Register.

Refer in reply to the following:
Land.
4288/1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Feb. 26, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Solomon Wolfe for the enrollment of himself and his wife, Leanna Wolfe, and his minor child, Ola Wolfe, and also the application of Charles Wolfe for the enrollment of himself all as Cherokee Freedman Citizens of the Cherokee Nation.

On January 2, 1904, the Commission rendered a decision in this case finding from the evidence that all of the applicants except Leanna Wolfe are the descendants of one Joe Wolfe and were born since 1866; that the said Joe Wolfe was the slave of a Cherokee Citizen at the commencement of the Rebellion and that he left said Nation during the Rebellion but returned thereto prior to January 19, 1867.

The Commission further finds from the evidence that the said Leanna Wolfe, who was born since 1866, is a descendant of one Joseph Smith and has no rights to enrollment except those she may have derived through him; that the said Joseph Smith was the slave of a Cherokee citizen at the commencement of the Rebellion; that he went to Kansas during the Rebellion and returned to the Cherokee Nation with Peter Warner and others after January 19, 1867.

It further appears from said decision that the name of Leonna Wild is not found on the 1898 authenticated roll of the Cherokee Nation.

By reason of these findings and facts, the Commission is of the opinion that Solomon Wild, his Wife and Charles Wild should be enrolled as Cherokee Freedmen in accordance with the provisions of Section 21of the Act of Congress approved June 28, 1906, (34 Stats., 539) and that the application for the enrollment of said Leonna Wild should be denied under the provisions of said section.

I have examined the record evidence in this case and am of the opinion that these findings of the Commission are sustained by said evidence and I therefore recommend that said decision of the Commission be approved by the Department.

Very respectfully,

A. C. TRAUM,

Acting Commissioner.

WHH-E

D C 12548-1904. SEPT.

S.L.R. 1794-1904. DEPARTMENT OF THE INTERIOR, S.P.

L.R.S. WASHINGTON. TWB

April 16, 1904.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 24, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the applications for enrollment as Cherokee freedmen, of Solomon Wolfe for himself, his wife, Leanna Wolfe, and his minor child, Ola Wolfe, and of Charles Wolfe for himself, and recommended that your decision of January 2, 1904, in favor of Solomon Wolfe, Ola Wolfe and Charles Wolfe, and adverse to Leanna Wolfe, be concurred in.

The Department finding no reason to disturb your decision, it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 826

Muskogee, Indian Territory, April 26, 1904.

Charles Wolfe,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 2, 1904, in the consolidated case of Solomon Wolfe, et al., granting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 16, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 899-926.

Muskogee, Indian Territory, April 26, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 8, 1904, in the consolidated case of Solomon Wolfe, et al., granting the applications for the enrollment of Solomon Wolfe, Ola Wolfe and Charles Wolfe as Cherokee freedmen, and rejecting the application for the enrollment of Leanna Wolfe as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 16, 1904.

Respectfully,

Chairman.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 21 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 21, 1901

Post Office Lenapah, I. T.

District Coo

1. Name Solomon Wolfe Age 27

Owner's name Citizenship

Year R6 Page 166 No. 4099 District Coo

Parents:

Father Joe Wolfe — dead Citizenship

Mother Nancy " Citizenship

2. Name of wife Leanna Wolfe Age 24

Owner's name Citizenship

Year R6, Page 139 No. 3460 District Coo

Parents:

Father Jas. Smith — living Citizenship

Mother Eliza " — dead Citizenship

Names of Children

3. Ola Wolfe Year Page No. Dist. 9 mo.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year No.

8. Year Dist.

9. Dist.

10.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer D. C. Jones

Doubtful

1 on R.C. roll as Solomon Wolff.

2 " " " Leanna Smith

3 " Birth app. required.

X Ref D626 & 797

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

JUL 25 19

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 28, 1898.

In the matter of the application of Nick Whitmire for the enrollment of himself, his wife and 5 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Nick Whitmire.
Q Nicholas Whitmire, I suppose? A I have always been signing it Nick.
Q How old are you? A About 37.
Q What is your postoffice address? A Muskogee.
Q What district do you live in? A Muskogee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My family.
Q How much family? A Wife and 5 children.
Q What is the name of your wife? A Jane Whitmire.
Q How old is Jane? A About 36.
Q Give me the names of your children, those under 21 years of age now living? A Ray Joseph.
Q How old is Joseph? A About 12.
Q Next one? A About 11.
Q What is his name? A Jeff.
Q Next one? A Rosella.
Q How old is Rosella? A 10.
Q Next one? A Nat.
Q How old is Daniel? A 8.
Q Next one? A Sanford.
Q How old is Sanford? A 18th of April he was 2 yearsold.
Q That all? A Yes sir..
Q Is your name on the roll of 1880? A Yes sir.
Q Is your wife's name on said roll? A No sir.
Q What is your wife's father's name? A Joseph.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy Vail.
Q Is she living? A No sir.
Q Your wife a sister? A Descendant of a sister.
Q Relation of one? A Descendant of his.
Q Are these children all living at this time? A Yes sir.
Q What testimony have you got of your wife's citizenship?
Q Have Francis, Daniel Vann, Frank Rose.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified on
page 128 [illegible] Nick Whitmire, jr., Tahlequah District, original citizen;
1880 census roll of citizens of the Cherokee Nation examined and applicant identified on
page [illegible] Nick Whitmire,jr., Tahlequah District. Does not appear on said roll on 1880 roll."

Q Did you ever hear name for your wife? A Yes sir.
1880 authenticated roll of citizens of the Cherokee Nation examined and wife not found;
1880 census roll of citizens of the Cherokee Nation examined and wife not found.
Interpreter's roll of citizens of the Cherokee Nation examined and [illegible]'s wife found on
[illegible] Nick Whitmire, Tahlequah District;
1880 census roll of citizens of the Cherokee Nation examined and [illegible] identified on
[illegible] Nick Whitmire, Tahlequah Dist.;
[illegible] Nick Whitmire, Tahlequah District;
[illegible] Nick Whitmire, Tahlequah District;
[illegible] Nick Whitmire, Tahlequah District.

Nick Whitmire - 2.

Q Were you ever married before you married June? A No sir.
Q Was June married before she married you? A No sir.
Q You are her first husband? A Yes sir.
Q She is your first wife? A Yes sir.
Q Her name was Polly? A Yes sir.
Q You claim citizenship for your wife through her mother or father or both? A Through her father.
Q Well do you know anything about it? A I don't know anything about it.

WILL VANN, being sworn and examined by Com'r Rowlett, testified as follows:

Q What is your name? A Wilson Vann.
Q How old are you? A 52.
Q What is your postoffice? A Longdale.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1896? A Yes sir.
Q Do you know June Whitmire, wife of Nick Whitmire? A Yes sir, that's my niece.
Q What was her father's name? A Joe Wolf.
Q What is her mother's name? A Nancy.
Q Was Joe Wolf a slave? A Yes sir.
Q Who did he belong to? A Ebbie Wolf.
Q Was a Cherokee citizen? A Yes sir.
Q Was Nancy a slave? A She was just working for some as I was, working with my mistress, she raised her.
Q Who was Nancy's mistress? A Mrs. Wolf, she was there with her.
Q Was Joseph and Nancy married when they were with her? A Yes sir.
Q Did they go out of the Cherokee Nation during the war? A Yes sir.
Q Where did they go? A Close to Iola, Kansas.
Q When did they come back? A '65.
Q Been living here ever since? A Yes sir, until she died.
Q You are certain they came back in '65? A Yes sir, and I did too, coming right along with them.
Q Did they live together as man and wife? A Yes sir.
Q Was June born while they were living together as man and wife? A Yes sir.
Q Were they living together before the war? A Yes sir, they never lived together before they were married.
Q When were they married? A Before the war.
Q Are they both dead? A Yes sir.
Q Which died first? A Nancy.
Q Did they live together until Nancy died? A Yes sir.
Q Did they have any other children besides June? A Yes sir there is three more I believe.
Q Are they living? A Yes sir.
Q You know their names? A Yes sir.
Q Will give them to me? A Katie.
Q Katie was a sister of June? A Half sister.
Q Will the next one? A Rockwell and Abb.
Q Was Rockwell a half-brother of June? A Yes sir.
Q And Abb, was he a half brother to June? A Yes sir.
Q Will say they were half-sisters, the same father? A They had same father.

Q Well, Joe Wolf was married before he married Nancy? A Yes sir, his wife died.
Q And then he married Nancy? A Yes sir.
Q And they lived together, he had these boys by Nancy, these last children. Katie by the first wife and Rockwell and Abb they are all by the first wife? A Yes sir.
Q What did he name by Nancy? A June and Delilah.
Q [illegible] A [illegible] sir.
Q [illegible] A Yes sir, and I were

with them.

Q Was Jane born when they came back? A Yes sir.

Q They brought Jane back with them? A Yes sir.

Q Where was Jane born? A In Kansas, she was just a year old.

Q Did you come back in '66? A Yes sir.

Q Your name is on the roll of 1880? A Yes sir, I think so.

Q Joe Wolf and Nancy came back with you? A Yes sir, we all came together.

Q Where did Joe and Nancy come to when they came back? A Pryor's Creek.

Q They lived there until they died? A They moved up on Verdigris.

Q They lived in the Cherokee Nation until they died? A Yes sir.

By Mr. W. W. Hastings, Cherokee Roll'ye:

Q What is your husband's name? A Edmund Vann.

Q What part of Pryor Creek did you come to? A Right down here where the section house is now, on Pryor Creek.

Q Where Pryor Creek town is now? A Yes sir.

Q Sam Mayes living there at that time? A Yes sir.

Q Tip Mayes living there? A Yes sir, and I went to work for them, they was right there.

Q Where did Joe and Nancy Wolf locate? A On Pryor's Creek.

Q Did they build a house near you? A Yes sir.

Q And they lived right there? A Yes sir.

Q How far from where you located? A Right there, we just lived a quarter of a mile apart.

Q And his name was Joe Wolf and his wife was Nancy? A Yes sir.

Q What was your nearest Cherokee neighbors at that time? A I couldn't tell you who all, but I can tell you some of them.

Q Well? A John Crass lived over there, and this here Cochran, Jesse Cochran, he lived over there.

Q Did Elias Rider live over there too? A He lived above us.

Q How far about you? A I reckon it must have been some 4 or 5 miles.

Q Did Webb Vann live over there then? A Yes sir.

Q These people you have mentioned will know when Joe and Nancy Wolf returned after the war? A I don't know.

Q How about how old was Jane when you came back? A She was going on 2 years old.

Q How about how long did Jane's parents live there on Pryor Creek before they moved from there? A Well indeed I don't know how long they lived, they lived until they died, up here on Verdigris.

Q I mean how long did they live on Pryor Creek before they moved off of Pryor Creek? A They lived near three years I think.

Q Where did you live before the war? A In Flint.

Q You belonged to Nancy Timberlake? A Yes sir, first mistress was Nancy Timberlake, and second was Mary Nave.

Q Joe and Nancy Wolf didn't come right along in the same crowd that you came did they? A Yes sir, we all came back together.

Q Did you testify that before the Kern-Clifton Commission, that you all came back together? A I don't know if I was asked, I never did deny, if I didn't test it I didn't think about it.

Q Didn't you say then that they came back about the time you did? A Brother Joe?

Q Yes! A We all came along together.

Q How long before the war was it you saw Joe? A Well I guess it must have been two or three years, I don't know which.

Q He was living way up here on the Neutral Land? A Yes sir.

Q and you the living in Flint? A Yes sir.

Q That was 75 or a hundred miles apart wasn't it? A Yes sir.

Q Where was Joe's wife Nancy before the war? A With him when he married her.

Q Had you ever seen her before the war? A I never saw her until then.

Q Watch after the war or before? A Just before the war.
Q How long before the war? A I couldn't tell you how long, but it seemed like it was that summer I saw him.
Q Did you see Joe that summer? A Yes sir.
Q I thought you said just now it was two or three years before the war? A I thought you said down here.
Q Were you up on the neutral land before the war? A Went on a visit.
Q Who went with you? A She came down and I went home with her.
Q Didn't you testify before the Kern-Clifton Commission that you saw Joe Wolf about 10 years before the war? A If I did I don't remember.
Q Don't remember that? A No sir.
Q About how long before the war was Joe dispossed of out of your family? A It must have been near 10 or 15 years I guess, the old lady died.
Q Joe put up a house down there on Pryor Creek did he? A Yes sir, we all had houses.

DAVE FRENCH, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Davefrench.
Q How old are you? A 72 past.
Q What is your postoffice? A Lenapah.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know Dick Whitmire the applicant? A Yes sir.
Q You know his wife, Jane? A Yes sir.
Q How long have you known Jane? A Ever since she was a sucking child.
Q What was her father's name? A Joe Wolf.
Q What was her mother's name? A Nancy
Q Who did they belong to? A They belonged to a woman, Joe Wolf belonged to a woman named Bobbie Wolf.
Q You know them before the war? A Yes sir.
Q Did they go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Went up in Kansas.
Q Joe and Nancy both? A Yes sir.
Q When did they return from Kansas? A They returned in the spring of '66.
Q How do you know that? A I know it.
Q Did you return with them? A Yes sir, I was with them.
Q When they returned? A Yes sir.
Q Where did they come to? A Came to Pryor Creek.
Q Did they bring a child, Jane, with them? A Yes sir.
Q You know whether Jane and Dick were ever married or not? A Yes sir.
Q How do you know that? A I know it. They live in two miles of us now.
Q You didn't see the marriage? A No sir, I wasn't at the wedding.
Q They have been living there as man and wife? A Yes sir, ever since their marriage.
Q How many children have they got? A I don't know exactly, they have got four or five.
Q You know that Jane returned with her father and mother in '66?
A Yes sir.
Q Came back with you? A Yes sir.
Q You came back in '66? A Yes sir.
By Mr. Hastings:
Q Where did Joe Wolf live when the war come up? A On the neutral land.
Q Where were you living? A In Flint.
Q How far was that from the neutral land? A I don't know.

Q You never lived out there? A No sir.
Q You never saw Joe up there? A No sir, I knew them he went up there.
Q How long before the war did he go up there? A I don't know exactly.
Q Didn't he go up there as much as 10 years before the war? A He may have.
Q Do you ever remember having seen him before that? A I don't recollect.
Q What was his wife's name? A Nancy.
Q Did you know her before the war? A No sir.
Q Were they married before or after the war? A I couldn't tell you. He got his wife after he went up on the neutral lands. I never see her until time of the war.
Q Well then it was about 10 years before the war that you have any distinct recollection of knowing him? A I don't know just how long before the war I did see him, he and him belonged to the same people: after he moved up on the neutral land I don't know whether I saw him or not, I don't know.
Q Next time you have any distinct recollection of seeing him was in Kansas? A In Kansas.
Q You didn't go up on the neutral land before the war? A I no sir did, I lived in Flint, Joe belonged to the old woman and I belonged to her daughter
Q At what town did you find him in Kansas? A I don't know exactly, but I think I found him on Deer Creek, up about Zola, first place I saw him.
Q Was he there when you started? A Yes sir.
Q You all came down together? A Yes sir.
Q You located on Pryor Creek? A I didn't, he did.
Q Somewhere near where Pryor Creek station is now? A I believe it was there near some place close.

FRANK ROSS, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Frank Ross.
Q How old are you? A 55 past.
Q What is your postoffice? A Hayden.
Q You are a recognized Freedman Cherokee? A Yes sir.
Q You know Dick Whitmire, the applicant? A Yes sir
Q You know his wife, Jane? A Yes sir.
Q How long have you known Jane? A Ever since she come here a little child, ever since '66.
Q Did you know her father? A Yes sir.
Q What was his name? A Joe Wolf.
Q What was her mother's name? A Nancy Wolf.
Q Was Joe Wolf a slave? A I suppose he was, I didn't know him before the war.
Q Did you know Nancy before the war? A No sir.
Q Where did you first get acquainted with Joe Wolf and Nancy? A On Pryor Creek, where they lived.
Q That after the war? A Yes sir.
Q When did you first see Joe and Nancy Wolf after the war? A In April, '66.
Q Where? A On Pryor's Creek, where they lived.
Q Did you see Jane there? A She was a baby then, small child.
Q They were living there? A Yes sir, she growed up there.
Q They were living there? A Yes sir she growed up there.
Q Did you go to Kansas during the war? A No sir, I went to the army.
Q When were you mustered out? A '65.
Q You remained in the Cherokee Nation then ever since '65? A No, I was mustered out at Leavenworth and come back to the Cherokee Nation

Q When did you come back to the Cherokee Nation? A Early '88.
Q And the following April you met Joe and Nancy? A Yes sir.
Q But you never was acquainted with them before that? A No sir.
Q Did you know them from that time until Joe died? A Yes sir.

By Mr. Hastings:

Q Who did they come down there with? A With a man named Armstead, and Joe Wolf and Sol and Uncle Floyd, Floyd Foreman.
Q How far did they locate from you on Bryor Creek? A About 2 miles I guess.
Q Above or below you? A Above me.
Q What was your father's name? A Billy Rider.
Q And your mother Sarah? A No.
Q What was her name? A Sudie.
Q Whose house was you living in at that time? A I was living in Tom Rider's house then, he didn't live right on Fryor's Creek.
Q Whose house did they move into when they come down? A They did not move into no house until they built one, they went into camp.
Q Did they build a house near you? A They built a house up on the Creek there.
Q Was Blue Rider living there at that time? A Blue Rider hadn't come back then.
Q Was Aunt Dinah Vann living there at that time? A Yes sir, her husband's name was Armstead; he was living there with her.
Q How far were they living from there at that time? A They was living about a quarter of a mile from Uncle Joe's I guess.
Q Did they have a house? A They built them a house after they come there.
Q Sam and Rip Hayes living down there then? A They hadn't come in they didn't come until that fall.
Q Was John Grass living there? A Yes sir.
Q How far did he live from the old Tom Rider place? A About a mile, down on the river; it's about 8 or 9 miles from Fryer's Creek station now; they lived about a mile and a quarter I guess.
Q How far did John Grass live from where these Wolfs located? A He lived down on the river below the old, right on the Clem Vann place, about 10 miles from there.
Q Was there any Cherokees living on Fryor Creek at that time?
A Old Ike Glass was living there.
Q He is dead? A Yes sir. and Bill Sunday.
Q He is dead? A Yes sir.
Q When did Blue Rider come back there? A In the fall or '88.
Q Joe and Nancy Wolf was living there when he come back?
A Yes sir.

APPLICANT, DICK WHITMIRE, re-called and further examined:

By Com'r Needles:

Q What proof have you got of your marriage to June? A I have got witnesses here.
Q Who? A Grant Wolf.

GRANT WOLF, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Grant Wolf.
Q How old are you? A 35.
Q Are you a Cherokee freedman? A Yes sir.
Q You know Dick Whitmire? A Yes sir.
Q You know his wife? A Yes sir.
Q What is her name? A Josie Whitmire.
Q You know whether they were married or not? A Yes sir.
Q How do you know? A I was there when they was married.

Q [illegible] Yes sir.
Q Who married them? A Preacher Sanders.
Q Where? A [illegible]
Q You were at the [illegible]? A Yes sir.
Q Sanders alive? A Yes sir.
Q Have you known them ever since that? A Yes sir.
Q They always lived together as man and wife since that?
A Yes sir.
Q Have they got any children? A Yes sir.
Q How many? A 5 I believe.
Q What relation are you to them? A I am her brother.

Com'r Needles: Dick Whitmire applies for the enrollment of himself, his wife Jane, and five children, to-wit, Joseph, Jeff., Rosella, Daniel and Sanford; the applicant himself is identified upon the authenticated roll of 1880 as well as the census roll of 1896; his wife, Jane, cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; but is identified upon the Kern-Clifton pay roll; averment is made that Jane Whitmire is a child of Joseph and Nancy Wolf; that Joseph Wolf was a slave, and married to his wife Nancy; they left the Cherokee Nation during the war between the North and the south, and went to the State of Kansas, and returned in the year 1866; satisfactory proof is made as to the marriage of said Dick Whitmire to his wife, Jane; the names of his four eldest children, to-wit, Joseph, Jeff, Rosella, and Daniel are identified upon the census roll of 1896; the name of his youngest child, Sanford, is not identified upon the rolls, and it will be necessary for him to make satisfactory proof of birth; they make satisfactory proof as to residence, consequently, Dick Whitmire, and his five children enumerated herein will be listed for enrollment as Cherokee Freedmen; his wife Jane will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission; she will be notified by mail at her post-office address of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 29, 1901.

Signed, T. B. Needles,
Commissioner.

* * * * * * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and complete copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd of July, 1901.

T. B. Needles

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1902.

In the matter of the application of Joseph Smith for the enrollment of himself and four children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Joseph Smith.
Q How old are you? A About 45.
Q What is your postoffice address? A Lenapah.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who are your family to be enrolled besides yourself? A Four children.
Q What are the names of your children? A Fred.
Q How old? A 17 years.
Q Next? A Laura.
Q How old? A 14 years.
Q Next? A Elmer.
Q How old? A 10 years.
Q Next? A Lovely.
Q How old? A 8 years.
Q Are you married? A My wife is dead.
Q What was her name before you married her? A Eliza Ward.
Q How long has she been dead? A Died last August.
Q What was her father's name? A Peter Ward.
Q Is he the Peter Ward who was listed for enrollment on a doubtful card as a Cherokee freedman? A Yes sir.
Q Did she have a brother named Abraham Ward? A Yes sir.
Q How old would your wife be if she were living? A I guess about 45.
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A Yes sir.
Q On the 1880 rolls? A No sir.
Q What rolls? A The Wallace and Kern Chirton rolls.

The 1880 authenticated roll and the 1896 census roll examined and the applicants not found thereon.

The Kern Chirton roll examined and the names of the applicants found thereon as follows:

Page 139 No. 5458 Joe Smith, Coowescoowee district.
Page 139 No. 5462 Laura Smith "
Page 139 No. 5464 Elmer Smith "
Page 139 No. 5465 Lovely Smith "
Page 135 No. 5149 Eliza Ward, "

Q Why didn't you draw for Fred? A They missed him that time.

The Wallace roll examined and the name of the applicant found thereon as follows:

Page 140 No. 8256 Joseph Smith, Coowescoowee district.

Q Were you a slave? A Yes sir.
Q To whom did you belong? A Ned Smith.
Q Were he a Cherokee citizen? A Yes sir.
Q An Indian? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Fort Scott.
Q Where is that? A Up north.
Q What state? A Kansas.
Q When did you return to the Cherokee Nation? A In '66.
Q Have you been here ever since? A Yes sir.

By J. W. Hastings:

Q What is your father's name? A Sawyer Smith.
Q What is your mother's name? A Matilda Smith.
Q Are they living? A Both dead.
Q Do you remember coming back here yourself after the war? A Yes sir

Q Who came with you? A It came out with Mr. Meigs, came on the second trip.
Q How did you know that it was his second trip? A They said it was
Q And you remember that over 38 years ago? A Yes sir.
Q Meigs was living there then? A Yes sir.
Q The Webbers were also living there then? A Yes sir
Q Mike and Dan Sanders were living there then? A Yes sir.
Q Was Peter Ward living there then? A Yes sir, he came with me.
Q Don't you remember your wife coming too? A After I got down there I remember her.
Q You don't remember seeing your wife's father and your wife as you come down? A Yes sir I remember seeing my wife's father.
Q The Cherokees were among? A Yes sir.
Q How long has your father been dead? A Before the Wallace Court.
Q Didn't your father go before the Daniel's Court directly after he came here? A Yes sir.
Q He didn't get his rights established did he? A I don't know.
Q The Cherokee Nation didn't recognize him did they? A The Cherokee Nation wouldn't recognize anybody.
Q They recognized about 2000 freedmen in 1866 didn't they? A I don't know.
Q They recognized Sam Webber didn't they? A Yes sir.
Q Who had houses when you comedown? A Uncle Peter and Dan and Ruben.
Q Had they made a crop there that year? A No sir.
Q When did you marry? A Been married about 38 years.
Q What year did you marry in? A I dont know.
Q What year did the Wallace court sit, do you know? A No sir not exactly.
Q Do you know when the Kern Clifton court sit? A About six years ago wasn't it.
Q I am asking you if you know the year? A I don't remember the year.
Q Do you remember the year that your oldest child was born? A No sir I cant tell unless I got it down.
Q Can you give me the year when one single child of yours was born? A No sir.
Q Do you know one year from another? A Yes sir I do.

SAM WEBBER called and sworn as a witness, testified as follows; on the part of the applicant:

By the Commission:

Q What is your name? A Sam Webber.
Q What is your age? A 58.
Q What is your postoffice address? A Nowata.
Q Are you a recognized freedman of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q How long have you known him? A Ever since he was a small boy.
Q Was he a slave? A I suppose so.
Q Do you know to whom he belonged? A No sir.
Q Do you know whether he was taken out of the Cherokee Nation during the war or not? A Yes sir.
Q Where to? A Fort Scott Kansas.
Q Did you see him there? A Yes sir.
Q When did he come back to the Cherokee Nation? A In the fall of '66.
Q With you? A After we did.
Q Where did he come to? A On Big Creek, Cherokee Nation.
Q Did you see him on Big Creek in '66? A Yes sir.
Q Was he a grown man then? A No sir.
Q Who was with him? A His father and mother and brothers and sisters.

Q Did you know his father? A Yes sir.
Q What was his name? A Dassar Smith.
Q What was his mother's name? A Milda Smith we called her.
Q Did you know them before the war? A I knowed his mother.
Q Who did his other belong to? A I cant tell, my father raised her but I cant tell who she fell to after that.
Q You and she were children together? A Yes sir.

By W. W. Hastings:

Q Did he come back here with Peter Ward's crowd? A Before them.
Q How long before that? A A week or two as near as I can remember.
Q You testified in the Abraham Ward case? A Yes sir.
Q You testified that they come here in '66? A Yes sir.
Q And this fellow came within a week of them? A Yes sir.
Q You didn't testify that five years ago did you? A No sir I wasn't asked to testify at all.
Q You admit now I believe that you belong to Squire Ward's Freedmen's Protective Association? A Yes sir I do.

By the Commission:

Q Did you refuse to testify for this man five years ago? A No sir they didn't ask me to testify.

LEWIS WHITMIRE, called and sworn as a witness before Com'r Needles, testified as follows for the applicant:

By the Commission:

Q What is your name? A Lewis Whitmire.
Q How old are you? A 62.
Q What is your postoffice? A Hayden.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know the applicant Joseph Smith? A Yes sir.
Q How long have you known him? A Ever since he was a little bit of a boy.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Man named Smith owned him.
Q A Cherokee citizen? A Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the war? A Yes sir he was carried out.
Q Where to? A Kansas.
Q What point in Kansas? A Fort Scott.
Q Did you see him up there? A Yes sir.
Q When did he return to the Cherokee Nation? A Some time in the fall of '66 the first time I saw him back here.
Q Did you return before him? A Yes sir.
Q But in the fall of '66 you saw him? A Yes sir.
Q Where? A In the Webber neighborhood on Big Creek.
Q Have you known him ever since? A Yes sir.
Q You know him to have been a slave of a Cherokee citizen before the war do you? A Yes sir.

By Hastings:

Q How far did he live from you before the war? A 40 miles.
Q Yet you testify that you knew him? A Yes sir, I knew his father and his mother.
Q You didn't know him then before the war? A No sir.
Q The first time then that you ever saw him was in Fort Scott?
A The first time I saw him was in Kansas with his father, but he was a slave owned by Smith, so was his father and mother before the war.
Q How long before the war did you know his father and mother?
A Two years.
Q Did you know Peter Ward? A Yes sir.
Q Did you see him up there on Big Creek? A I dont know.
Q Did you see this man particularly there on Big Creek, or just his people? A Yes sir this man, he was just a big boy.
Q Was he grown? A What you might call a boy thinking he was grown, but he wasn't grown.

Q About 15 or 16 years old about? A Yes and somewhere along there.

L. B. DANIELS, called and sworn before Commissioner T. B. Needles, testified as follows on the part of the applicant:

By the Commission:

Q What is your name? A L. B. Daniels.
Q What is your age? A 56.
Q What is your postoffice address? A Clarenore.
Q Do you know the applicant Joseph Smith? A Yes sir I have been knowing him ever since he was little.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Belonged to McCoy Smith or Gabbin Smith I don't know which one.
Q Were they Cherokee citizens? A Yes sir his owners were.
Q Do you know where Joe Smith went to during the war? A Kansas.
Q Do you know when he came back? A No sir.
Q Have you known him any since he came back? A Found him about ten miles from my place here in 1879.

By M. V. Hastings:

Q McCoy Smith is the one that is known as Jump Smith? A Frank Smiths father is the one I call McCoy, no Ned Smith is the one.
Q Which Smith owned this man and his father? A McCoy Smith, he lived three miles from Gibson and the other one lived by Webbers Falls.
Q Did you know this applicant's mother and father? A Yes sir.
Q Were they slaves of the same man? A Yes sir.

By the Commission of APPLICANT:

Q Your wife is not living? A No sir.

By Com'r Needles: Joseph Smith applies for himself and four children, to-wit, Fred, Laura, Elmer and Lovely Smith; he cannot be found on the authenticated roll of 1880 or the Census roll of 1896; he is identified on the Kern Clifton roll and the Wallace roll; he avers that he was married to one Elisa Ward, a child of Peter Ward, and a sister of Abraham Ward; he avers that his said wife is now deceased; she is identified on the Kern Clifton roll and the testimony taken in the application of her sister Abraham Ward on Cherokee Freedmen Doubtful card #807 is hereby referred to and a copy thereof will be filed herewith and made a part of the record in the application at bar. He avers that he is the child of Seaser Smith and was a slave of one Ned or McCoy Smith a Cherokee citizen; he makes satisfactory proof as to his residence and his children are all identified on the Kern Clifton roll. Consequently the said Joseph Smith and his children as herein enumerated will be listed for enrollment as Cherokee Freedmen on a doubtful card and the final decision of the Commission will be made known to the applicant at his postoffice address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas von Weise.

Subscribed and sworn to before me this the 20th of June, 1901, at Nowata, I.T.

Signed, T. B. Needles.
Commissioner.

Mallette & Smith for applicant.
W. W. Hastings for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 5th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee Freedmen. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Abraham Ward.
Q How old are you? A 45.
Q What is your postoffice address? A Wyner.
Q In what district do you live? A Goweesgoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy Artes Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1880 roll? A The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 126, No. 3117, Abraham Ward, Goweesgoowee district.
Page 125, No. 3124, Artus Ward, Goweesgoowee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3162, Abraham Ward, Goweesgoowee district.

Q Where were you born? A On Baties' Prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war?
A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '62 I went into the Union Army.
Q What regiment? A Blunt's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Cane Hill, Arkansas, waited on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of '66.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q Who was the mother of Artes. A Caroline.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A The Adairs.
Q Is her name on the 1880 roll? A No sir.
Q Was her name Caroline Adair before you married her? A Yes sir.
Q When did you marry her? A In '65.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes sir, I come on down and then went back in the fall and brought her.
Q How much of a family did you have then? A None, all of my children were born here.
Q Did you live with Caroline until her death? A Yes sir.
Q Who were your owners? A Jim and Louisa Ward.
Q And they were Cherokee citizens were they? A Yes sir.

By Mr Mallette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.
Q How long have you owned it? A Since 66.
By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.
By Mr. Mellette:
Q You have never lived out of the Cherokee Nation since your return in '65? A No, sir.
By Mr. Hastings:
Q Your father was Peter Ward? A Yes sir.
Q Are you his son? A Yes, sir.
Q Are you his eldest son? A Yes sir.
Q You went to Mound City didn't you? A Yes sir after I quit driving Government teams.
Q That is in Linn County? A Yes sir.
Q Do you know Husky Spoon? A Yes, sir.
Q Did you see him in Kansas? A Yes sir.
Q What year did you see him there? A I think it was in '67.
Q You know Joe Ward? A Yes sir we was raised together.
Q He was your young master? A Yes sir.
Q You saw him in Kansas too didn't you? A Yes sir in '66 when I was driving a Government team he came to our house.
Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my fathers house, I was living with my father.
Q You were not married then? A No sir, married directly after.
Q What year did you marry? A In the fall of '65, after he had up there.
Q How old is your eldest child? A He is 32 I think it is according to my judgment.
Q What time in the year was that eldest child born? A In September
Q Was he 32 last September or this coming September? A This coming September.
Q What is your best judgment? A Yes sir.
Q Did you come back with your father Peter Ward? A No sir not the first time I came.
Q Didn't you testify before that you came back with your father? A No sir I went to Fort Gibson the first time and the next time I came down with him.
Q How long after that did you come down again with your father? A The same year, I came to Fort Gibson in the spring and came back to Kansas and back here again in the fall, with my father.
Q You had married then? A Yes sir.
Q You come down the last time in November? A Yes sir.
Q Who came with you that first time? A Sim Mosley or Rogers.
Q Came through on horseback? A Yes sir.
Q How long did you stay here then? A Staid a considerable time, had kin folks there.
Q Who? A Berry Mays and Mr. Mays.
Q Well how long did you stay there? A About a month or so.
Q How long after that did you come with your father? A In November
Q You located permanently that last time? A Yes sir, but I was on Big Creek when I went back from Fort Gibson to Kansas the first time.
Q How far did you locate from Snow Creek? A 8, 10, or 12 miles.
Q What direction from the mouth of Snow Creek? A Northeast.
Q How far from the Kansas line? A About 8 miles south.
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs old man Sam Webber.
Q Had they houses there then? A Yes sir.
Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
Q What time was it when you went up? A In August.

-4-

Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
Q That was in '66? A No sir.
Q Your young master Joe Vann testified that he saw you there in '67?
A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
Q Did you ever see Bill and John Vann or any of your young masters since the war? A Yes sir.
Q Where? A On Big Creek.
Q When? A I had been there about two years.
Q Did you locate right on the place where you now live? A Yes sir.
Q And have lived there ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q He lived there with you? A Yes sir.
Q What Cherokees are living among there? A Albert Morris.
Q Was he living there when you came? A No sir.
Q How far was Jim Hart in living from there when you came there?
A No sir he was not living there, and the Delawares were not living there then.
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
Q Where did you get anything to eat that fall? Get it from those Webbers and Sanders? A We brought some along with us.
Q Do you know Jess Brown and Tecumseh? A Yes sir.
Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
Q Was Sam Webber living in a house up there? A Yes sir.
Q Who did you stay all night with up there? A With Peter Meigs
Q That was in August? A Yes sir.
Q 1866? A Yes sir, latter part of August.
Q Did old Peter Meigs have a crop there then? A Yes sir a little one.

By the Commission-
Q What is your name not on the 1869 roll? A I don't know, the census takers didn't come there.
Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and come back and said that it was not necessary to go down there as they was not enrolling de people.

L. B. DANIELS, called and sworn as a witness before Com't T. B. Needles, testified as follows for the applicant:

By Com'r Needles:
Q What is your name? A L. B. Daniels.
Q What is your age? A 56.
Q What is your postoffice address? A Clarksville.
Q Are you a recognized freedman of the Cherokee Nation? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A I got acquainted with him in the fall of '68.
Q Do you know if he was a slave? A No sir I don't.
Q Where did you see him in the fall of '68? A At Fort Gibson.
Q Have you known him ever since that time? A I saw him after I moved up here to Tecumseh once.
Q How did you happen to see him in Fort Gibson in '68? A He came to Amanda and Matty Adair and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q Was you a stranger to you in '60? A Yes sir.
Q You had never seen him before that? A No sir.
Q You didn't witness for him before the Keys-Gritts court did you?
A No sir.
Q Do you know how long he stayed in Nowata-Chrokee that time? A No sir I don't.
Q What time did you see him there? A In the fall.
Q What time in the fall? A Part part of September or the last part of August, somewhere along there.

By the Commission:

Q How do you know it was in '60? A Because I was living right there and noticed all the folks that came in there.
Q You was a young man then? A Yes sir.
Q You was a government officer also wasn't you? A Yes sir.

LEE WHITE, called and sworn as a witness by opp's Counsel, testified as follows:

Q What is your name? A Lee White.
Q How old are you? A 68.
Q What is your postoffice address? A Nowata.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Got acquainted with him in Kansas
Q During the war? A Yes sir, time of the war.
Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
Q Where did you see him? A On Big Creek.
Q He came up there to live? A Yes sir.
Q Did he have his family there with him? A Yes sir he had his family with him.
Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
Q Have you known him ever since? A Yes sir.
Q Has he lived in the Cherokee Nation continuously ever since?
A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.
Q How long before you had you and your family been there? A Not long, I moved down there a short time before that.
Q About how long before that? A I can't just tell, not a great while.
Q A month? A Must have been a month, I don't remember exactly.
Q Are you prepared to swear positively that all these people came down there 35 years ago, in '66? A Yes sir all those I am acquainted with that came.
Q How far did this man live from you then? A 4 miles.
Q He has lived there ever since? A Yes sir.
Q You know he was living there in '67? A Yes sir.
Q You know he was living there in '68? A Yes sir.
Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.
Q Did you know [illegible]? A Yes sir.
Q What is his name? A Peter Ware.
Q He came with his father did he? A Yes sir they were together.
Q And settled in the same neighborhood? A Yes sir.
Q What place in Kansas did you come from? A Linn County, some place there [illegible].
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A [illegible] when you came down here and settled? A No, sir.

Did you go back there on "it" or "it" ? A No sir.
Did this man Marshall claim he owned land there? A Yes sir.
Was his wife with him? A Yes sir.
How many children did he have? A I can't tell you how many he has. I know he had as many as two or three. I don't know.
Did he have any? A If he did, I don't know it.
Did you know he was married then? A Yes sir.
Did he live with his father when they first came there? A They stayed there close together.
Did they take separate homes? A Yes sir.
Did you make a crop there that he sold? A No sir.
Some of you had crops in when did you? A No sir, couldn't, hadn't been there long enough.
About how far did they locate from the Indian line? A I don't believe know.

EFFINGER recalled and examined by W. T. Hastings.
You say Bill and John lived directly after Bill got into trouble did you? A Yes sir I say Bill, he came to my house.
You had a talk with him? A Yes sir.
You told him where you had been? A No sir, not exactly as to where I had been.
Talked about old Shabony there? A Yes sir.
Told him then you had come back? A No sir that question was not asked.

Continuation of the above examination reported by S.G.Simpson.

Chas. von Tobel, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Signed, Chas. von Tobel.

Subscribed and sworn to before me this 19th of June, 1901, at Ironton, I.T.

Signed, T. B. Needles,
Commissioner.

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(Continued from testimony taken by stenographer Chas. von Tobel, June 8, 1901.

GEORGE HOYER, being duly sworn and examined by respondents Brothers, testified as follows;
What is your name? A George Hoyer.
What is your age? A I can't here exactly, about sixty years old.
What is your occupation? A Miner.
Are you a recognized Cherokee Freedman? A Yes, sir.
Were born on the 1880 roll? A No, sir.
You were subsequently to be enrolled? A Some have enrolled, all depending on circumstances.
Do you have about that the settlement here? A Yes, sir.
How long have you known him? A Been close to ever since I was a boy.
Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
Who did he belong to? A Belonged to a man they called Shabony Bush.
Do you know whether he went out of the Cherokee Nation during the war? A Yes, sir.
Where did he go? A Went up to west Fort.

Q Did you see him? A No, sir, I just met him up there.
Q Do you know what Aaron Ezell, the applicant, testified to the Cherokee Nation? A Why I don't know exactly.
Q When was the first time you saw him after the war? A Why it was in the fall of '66.
Q Where did you see him then? A On his track.
Q Was he living there? A Well, he had been there ever since.
Q Was he living there then? A When I saw him, why he just came.
Q Did he have a family with him when he came? A Yes, sir.
Q How many children did he have? A Well, I can't hardly tell you.
Q Have his wife? A Yes, sir.
Q Was he camping there, or had he built a house? A Well, he came, he had camped, and built a house.
Q Have you known him since that time? A Yes, sir.
Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
Q You were taken out during the war, were you? A Yes, sir.
Q Did you return with Aaron Ezell? A I returned just a little before he did.
Q You saw him here in '66 in the fall? A Yes, sir.
Mr. Hastings: How long had you been back when you saw Abe? A I don't know exactly.
Q A year or two? A I hadn't been back a year, no, sir.
Q Well, had you put in a crop that year you came back? A No, sir I hadn't them.
Q Did you have any corn in when he came? A No, sir.
Q Any potatoes in? A I had a patch started to clear out.
Q But you had no corn on it? A No, sir.
Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
Q But had you planted any when this man came down here? A No, sir.
Q George, you don't know anything about dates, yours? A No, sir, I don't.
Q You don't know one year from another? A No, sir, I don't know, of course I am not got no education.
Q Where did you live before the war? A Well, now, I lived in the Cherokee Nation before the war
Q What place in the Cherokee Nation? A Well, as near as I can tell you, to tell you the truth, I lived east of a little town they called Dutch Town on a big Hill; west of it.
Q Who did you belong to? A Belonged to a man they called Nathan Daniels and Lila Daniels.
Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.
Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder of north, somewhere north.
Q You were up there before the war, were you, Beattie's Prairie?
A No, sir, I don't know that I have ever been to the place.
Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Smith.
Q During the war? A Yes, sir.
Q Then you never saw him before the war? A No, sir.
Q You don't know of your own personal knowledge who he belonged to?
A Of course I don't, but I know what he says, who he belonged to.
Q You swore a while ago he belonged to George Vann? A That is what I told you his owner was.
Q You don't know that? A No, sir.
Q You are the son of Peter Meigs? A Yes, sir.
Q Peter Meigs went down before the Court to have himself and family enrolled? A Yes, sir.
Q Did you go along with him? A No, sir.
Q He is dead? A Yes, sir.
Q He didn't get enrolled? A No, sir.

Q He has been [illegible] by the Cherokee Nation? A Yes, sir.
Q You know this case, the applicant, has been refused all the time?
A Yes, sir.
Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children. He had one to my judgment.
Q But you didn't know how many more? A No, sir.
Q What was this child's name? A Named Lem.
Q He stayed right near you? A Yes, sir.
Q He came down with his father, didn't he, Peter Ward? A Yes, sir.
Q They all came together and stayed up there? A Yes, sir.
Q I want to know if you are positive about the year that they came [illegible] A Yes, sir.
Q They have lived there continuously ever since that year they came? A Ever since.
Q They never went back to Kansas and lived no there? A I believe the old man went back once or twice for grub.
Q Not up there to live? A No, they never went up there to live.
Q Are you willing to swear positively about the year they came?
A Yes, sir.
Q That was in 1868 was it? A Yes, sir, 68 we came.
Q Was it 1868? A I can't say whether it was eighteen hundred or not.
Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about 'em like I do, but my daddy was reaching to get down there to get a place he said for his children.
Commissioner: Your daddy knew he had to be there in '68 did he?
A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1880 or the census roll of 1880 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace roll. His child Artes is also identified upon the Tarr-Clifton roll. He avers that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. Now Abram Ward and his child Artes will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission. He will be duly notified by mail at his postoffice address of the decision of the Commission, when arrived at.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones.

Sworn to and subscribed before me this the 13th of June, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 15th day of July, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Solomon Wolf for enrollment as a Cherokee Freedman.

No. F. D. 809

Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D., 1901, he registered to Solomon Wolf whose postoffice is Lenapah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Solomon Wolf, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept. A. D. 1901.

J. C. Starr

Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Solomon Wolf for enrollment as Cherokee Freedmen:

Case No. F. D 809

To Solomon Wolf Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 28th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 day of 1901

R. B. Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

7D809

Commissioner.

ACTING CHAIRMAN

FILED
OCT 28 1901

D-803.

D-812, D-813, D-814, D-831, D-832, D-833, D-834, D-835, D-836, D-837, D-838, D-839, D-840, D-841, D-842, D-843, D-844, D-845, D-846, D-847, D-848, D-849, D-850, D-851, D-852, D-853, D-854, D-855, D-856, D-857, D-858, D-859, D-860, D-861, D-862, D-863, D-864, D-865, D-866, D-867, D-868, D-869, D-870,

file with Cherokee Freedmen, 1-000, Solomon Wolfe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1901.

In the matter of the application of Rosella Wade et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:
Kelsey & Wade, attorneys for applicants.
S. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, having duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the territory? A Yes, it is in the territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Chester, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abe Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and John Marcum, and there I saw old Uncle Peter Ward and Abe and Berry. There was younger ones but they were smaller, I got acquainted with them there.

Q Were they living there at the time? A Yes, sir, they were living there.

Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City. Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when we first went there, we had to wait on account of some papers wasn't fixed up right, and we had to stay there, I would not say positively how long it was.

Q Was you at Peter Ward's house? A I was, I say positively; you see there was a [illegible] of them lived around there, and I went to several of the houses around there and while they had preaching there while I was there, why I went to church and took them; they all found out I was at [illegible] and they came in to see us and talk with us.

Q You speak of the colored men, two colored men? A Yes, sir, I

with them. His mother was living there and one brother was there.

Q His mother and brother? A Yes, his mother and brother.

Q Did you see Peter there? A Yes, sir, yes, sir.

Q You remember Matthew Keeling Ned? A Yes, I remember him very well.

Q Now how did you meet Peter after you came back here, after you came back to the Cherokee Nation? A What do you mean: when I came back who did I see?

Q Yes, if anyone? A No, I left them over there, they never came back.

Q Are you sure you met any of the Gotchers? A Yes, sir, Ben Gotcher and Peter Gotcher just moved in there, and I moved on Bryon Creek, they just had moved in. I just had come back from this trip and they had moved on Bryon Creek.

Q Now how many weeks had you been up there, you saw Peter and Ike and Berry? A I remember Peter; that is Abraham's father, Uncle Ike and Berry? A I remember Peter; that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others that you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been kept down here after the war before that? A No, sir, never said anything about that, they told me when they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '67? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these cards up there in Kansas at Coffeyville? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas? A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been three two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be sixty or fifty miles, they were living at Round City to the best of my recollection.

Q What were you doing at Round City? A There is where Jess's brother and mother lived, we headed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q And you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa

We rest.

Q You saw Bruce Jones at Muskogee, A Yes, sir, I remember the three.
Q You don't know how long they had been there? A No, sir.
Mr. Hastings: You handed four items up to your Reporter? A Yes, sir.

Commissioner: This testimony will be made part of the record in Principal cases D-608, D-610, D-611, D-613, D-614, D-615, D-616, D-618, D-619, D-621, D-622, D-625, D-626, D-628, D-629.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 31st of October, 1901.

C. H. Merriman

Commissioner.

File with case of Solomon Wolfe, C.F.-D.#609.

Dept.C.F.-D.#609.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of applicants:

APPEARANCES:
Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.
Q How old are you? A I am 80 years old.
Q Are you a colored man? A Colored man?
Q Yes? A Yes, sir.
Q Where do you live? A I live in Mound City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '64.
Q In what time in '64, what season? A Well, I got up there September 12th.
Q To what place now do you refer? A Mound City.
Q What is your business, what do you do? A Well, I have done a good many thing for a living, but I was employed by the Second Baptist Church there; that is in '65, in the month of May I took charge of the second Baptist church there.
Q In what year? A In '65 in May.
Q Well, in what way did you take charge of it; What did you do? A I preached the best I knew how.
Q You are a preacher are you? A Yes, sir.
Q Well, did you know a Peter ward there? A Yes, sir, I know him.
Q When did you first get acquainted with Peter ward? A I was slightly acquainted with him down in Arkansas.
Q When did you first get acquainted with Peter ward? A We was slightly acquainted as I stated down in Arkansas; no, I will take that back if you will please, I got little kinda off, I can't keep memory like I used to.
Q Just tell us when you got acquainted with him? A We was slightly acquainted in the old Territory; wasn't that right; wasit.
Q Just stop now and tell us when you first knew Peter Ward?
A Well, I was correct after all.
Q Ever knew Peter Ward in Kansas? A Yes, sir.
Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there; that was in '64.
Q About how long did you know him there in Kansas? A Oh, I knew him all the while; while he was there until he come away.
Q Well, about how long was that? A Oh, I guess not over a year after I got up there; that is as long as we lived together. Well, if you will let me state it.
Q Go ahead now? A Well, the way this come up; how I got so well acquainted with him there as I told you, the church got me, employed me for a pastor and he was then a member of that organization and was A Deacon of that church and you recollect we had our monthly meetings to transact our business there once a month and of course we had a great deal of business together; that is the way I became so well acquainted with him. We was both members of the same church.

[redacted]

Q Do you know J. R. Brown, up there? A What J. R. Brown.
Q Just J. R. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know [illegible] B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather through an oversight we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or somewhere.
Q Well you don't know where Ward went after he left there? A I don't know no more than that he said; said he was going to the Territory.
Q When was that? A That was in '56.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in going to find out about the time when Peter Ward left there, I [illegible] I say it was the 17th day of June, as I stated. It was the 17th day of June, 1866 when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left us; I know he never was with us in church meeting after that, and I have always believed he came right straight to the Territory because I never saw him any more; [illegible] he had been up there in the neighborhood he would have been to the church meetings.
Q You can just [illegible] that? A I know that because he was a faithful member and never missed.
Q Did your meetings attend all the time or did some of them backslide? A I could not tell you much about that, because we always had some little [illegible] in the churches and of course we didn't know much of it all the time.
Q Where was it the first time you saw this fellow? A We met in Mayesville, [illegible] we had organized them as we might have been, [illegible] we met here in Kansas that we had met before.
Q [illegible] living when you met this man at Mayesville, [illegible] A [illegible] on Honey creek.
Q [illegible] A In the Indian Territory.
Q [illegible] A I am a Freedman, but I have about give [illegible] took such stand here against us freedmen, and [illegible] little help in Kansas, we could not live here; [illegible] failure to get my home on, and did have [illegible] well and when I came to find it could not find

Q Did you get your name on the Tams-Bixby roll? A No, sir, I didn't know again was the proper time, I came too late.

COM'R [illegible]: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he came to the Territory, and I believe that with all my mind.

MR. [illegible]: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been over here several times before since Mr. came, but I didn't [illegible] I expect it must have been five or six years [illegible]. Well, the first time I met him was when I came to get my name on the Dawes Roll after the same.

(Application is [illegible] until the witness can send and get the [illegible] of which he has been referring.)

Q In giving your [illegible] I omit to ask you returned to your church back in [illegible] Peter Ward appears in the book on the date you referred to as [illegible] for some time that he left affiliated with you at the church? A Yes, sir.

Court Reporter: This testimony will be made part of the record in the case at bar and part of the record in D-466, D-467, D-611, D-612, D-613, D-614, D-615, D-616, D-617, D-618, D-619, D-620, D-621, D-622, D-623, D-624, D-625, D-626, D-627, D-628, D-629, D-630, D-631, D-632, D-633, D-634, D-635.

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I, [illegible], being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes do correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[signature]

Subscribed and sworn to before me this November 9th, 1901.

[signature]

Commissioner.

[illegible] Ward et al. Solomon Wolfe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 29, 1901.

In the matter of the application of Abraham Ward et al. for [illegible]

Application by Ward on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
E. K. Hastings, of counsel for Cherokee Nation.

A. R. Wayne, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A A. R. Wayne.
Q Where do you reside? A Mound City, Lyon County, Kansas.
Q How old are you? A I am 58 years old.
Q Were you ever living in Cherokee County, Kansas, during, and the years between 1866 and 1870, inclusive? A Yes, sir.
Q Do you know a colored man by the name of Peter Ward? A Yes, sir.
Q When did you first meet him at first? A Four miles and a half south of Mound City, Lyon County, Kansas.
Q Where was he living on at that time? A I forget the year, sir, the first time, in '66.
Q Did you ever live close to him, if at all, in '67? A We moved to within about three miles of Mound City, if at all, in '67, the D. T. Kingsbury place [illegible]
Q Was he a freedman? A Of Burbank's, yes sir.
Q How long did you continue to live on the Burbank farm? A 3 years.
Q Now, fix that? A The first time that I saw him I was breaking prairie, and I stuck a thorn in my foot, and I stopped and Mrs. Ward said that the gall of a tree was the best thing I could put on it, and by me breaking prairie I knew it was in '66, I knew where I was living at that time. Q Any of you fix the exact date, three years later, which would be in '69? A I have a record of the expenses that I had paid out in May, from the first of January till the last of May, that me and him had a transaction whereby me I paid [illegible]
Q Was that? A Yes, sir, the second day of March.
Q Of what year? A 1869.
Q Was he living at that time? A He was living on the farm [illegible]
Q Were any of Peter Ward's children, sons, members of his [illegible] and I know Abraham Ward, Clint Ward, I [illegible] but we all called him Clint, and George; I [illegible] I can bring to mind now at the present time [illegible] by the name of Berry? A Yes, sir, I think Berry was [illegible]
Q Squire Ward? A Yes, sir, I think there was.
Q Did he live? A Yes, sir, Squire Ward.
Q Were those children living between the years of '66, when [illegible] and '69? A They were living with their [illegible] would work around first one place and [illegible] child find work, but there is where they made [illegible]
Q Since that time, '69? A No, sir, I haven't.
Q Do you know them or not now? A No, sir.
Q Would you recognize them if you saw them? A I have in this other place

Q Do you know that she [illegible] (Mrs. Mary Ward)?
A Yes, sir, I have seen that gentleman over there, but I can't tell you h- now I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '69? A No, sir.
Q How far did you live from them any in '68, from the Mound farm?
A About a mile and three-quarters.
Q Well now did you ever buy any corn from him to go to them?
A No, sir, in '68 I was [illegible] myself.
Q Well, when did you ever buy anything of them? A When I got married in '87; I was [illegible] in '87 and I was a little bit greater to them.
Q Well, were you as near in '68 as you were in '69? A Same place.
Q You were as near to them in '87 as you were in '88? A Yes, sir, same place.
Q And you continued on the same place ever up to '88? A Yes, sir.
Q Now during that time, from '68 up to '88, did you ever see Peter Ward or any of his sons over from up there? A No, sir.
Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.
Q Did you see them in the cemetery any place? A Oh yes, I have seen them around.
Q Just so by that, that [illegible] is the only time you ever had any personal business transactions with them? A Yes, sir, that is what I mean, personal business transactions.
Mr. Smith: What month in '68 were you when you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.
Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.
Q You have been living in that country ever since '68? A I had been there ever since '68.
Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '58, and it was '68 when I first [illegible] getting acquainted with them to know them.
Q Now in what way do you fix the date as in '68 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of home spun to put on it to draw it.
Q Well, did your foot get well? A Well it isn't off, I suppose it did.
Q Well that has been how long ago? A Well '68; that has been 38 years ago.
Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or what was that ever called to your attention first after that time? A For the first time you mean?
Q Yes? A Well it was in March, '88, that I had the transaction with him.
Q That had nothing to do, however, with the time you first met him?
A No, sir, not to my knowledge, no, sir, just seen them from them in passing around.
Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '88 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand [illegible] question.
Q I say there was no connection between your business transaction with him in '88 and the time when you first met him, nothing connecting the two things together, one had nothing to do with the other, did it? A No, sir.
Q [illegible] you first have occasion to remember that you had been [illegible] A I just can't tell the occasion, about

planning and going to there.

[illegible] that, but you did a great many things in '68 that you haven't had to do in other years, haven't you? A Yes, sir.

Q [illegible] that is what I

am talking about. [illegible]

Q Yes, or rented [illegible] in '68? A Well

I was asked if I [illegible]

Q [illegible] your books and

Q was posted [illegible] up to the end of the year?

A. K. Right I think. If I am not [illegible]

Q Went now from the [illegible] up to the time that

J. M. Kaye asked you about it, you [illegible] to remember

this incident, or the date when you were robbed, but you? A No, sir.

Q [illegible] the date by

the [illegible] you had been robbed? A I knew the date by

first [illegible] I was living.

Q How long did you live [illegible], only lived there

at that place that one year, [illegible] that year.

Q Now that has been a [illegible] A Yes, sir.

Q Do you think you can [illegible] it was in '68 and no

other time that you met Peter [illegible] A Yes, sir, not

to my knowledge to know him, [illegible] but not to know

him.

Q Do you think you can't possibly be mistaken about the time?

A I know I can't be mistaken in regard to the date or the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your account? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1868, it goes on 6 or 7 to there, (indicating on book) is Peter Ward, $2.50; it goes on down to here, to May, '68, $102.64. I spent during that time $102.64.

Q When did you commence to keep this book? A Well, I think that took came in my possession in 1868, along up the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to the Seventh Ward records I think, and in that [illegible] part there is some few items that were in '68, some transactions, and were probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March 23rd, and 24, and goes on down, 8, 11, 12, 15, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ann Brooks, a colored man, $50; no, it is Stamps, 15¢.

Q You are sure that that is Stamps? A No, sir, 15¢.

Q Then it isn't Stamps? A No, sir, I thought it was Stamps, but it is quite [illegible] of Stamps; here is Stamps below here.

Q Now Mr. [illegible] that when you added the whole thing up, it [illegible] addition has been [illegible]? A No, sir.

Q Isn't there a [illegible] on that line? A But is that sufficient, and I am the only [illegible] that has ever had it.

Q Are you sure that [illegible] that Peter Ward, and [illegible] at [illegible] of the [illegible] A [illegible] I am sure it is [illegible] part of the [illegible] that I am not sure [illegible] the date, the year that it was made; here is some [illegible].

Q [illegible] not the question, are the entries below [illegible] that [illegible] that the word [illegible] A [illegible]

...on the opposite page.
...command it up? A Yes, sir,
...paper over.
...before this and say these
...the transactions of that year or
...
...a good part of this record was kept with
...
A Yes, sir.
...account as contained other than by word
...
...
...

Case No. 805

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 22nd 1901.

In the matter of the application of Sarah Ward vs. C. P. D. Case
SUPPLEMENTAL PETITION

Appearances:
T. M. Hastings for the Commission.
Collette & Smith for the applicants.

By Mr. Hastings: I desire to file a certificate from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner T. B. Brockinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

(COPY)

State of Kansas ss.
County of Linn ;

I, J. A. Cady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 20th day of October, A. D. 1901.

(Signed) J. A. Cady
(SEAL) County Clerk of Linn County, Kansas.

By Commissioner Brockinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in said proceedings is a true and correct copy of the original, and further says that he is not employed by any person or party at interest in said proceedings.

Subscribed and sworn to before me this 22nd day of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Solomon Wolfe et al., for enrollment as Cherokee freedmen, consolidating the applications of

Solomon Wolfe et al	Cherokee Freedmen D 809
Charles Wolfe	Cherokee Freedmen D 826

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Solomon Wolfe for himself, his wife, Leanna Wolfe, and his minor child, Ola Wolfe; and by Charles Wolfe for himself. Copies of the testimony taken at various times in the cases of Joseph Smith et al., Abraham Ward, et al., Dick Whitmire et al., and Daniel Thompson et al., are made a part of the record herein.

The evidence shows that all the applicants herein, except Leanna Wolfe, are the descendants of one Joe Wolfe, and were born since 1866; that the said Joe Wolfe was the slave of a Cherokee citizen at the commencement of the rebellion; and that he left said Nation during the rebellion but returned thereto prior to January 19, 1867.

The evidence further shows that the said Leanna Wolfe, who was born since 1866, is a descendant of one Joseph Smith and has no rights to enrollment except such as she may have derived through him. It further appears that the said Joseph Smith was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion and returned to the Cherokee Nation with Peter Ward and others after January 19, 1867. The name of Leanna Wolfe is not found on the 1880 authentica ed roll of the Cherokee Nation.

The evidence further shows that Solomon Wolfe and Charles Wolfe have resided all their lives in the Cherokee Nation, and the residence of the said Ola Wolfe is considered to have been, since birth, with her father.

It is, therefore, the opinion of this Commission that Solomon Wolfe, Ola Wolfe and Charles Wolfe should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495); and that the application for the enrollment of Leanna Wolfe as a Cherokee Freedman should be denied, under the provisions of said section, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby Chairman.

(signed) T.B.Needles Commissioner.

(signed) C.R.Breckinridge Commissioner.

(signed) W.E.Stanley Commissioner.

Muskogee, Indian Territory,

this Jan 2 1904.

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, MAR - 2 1927, 19

I, [redacted] Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appear in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.

E B Meritt

[redacted] Commissioner.

DEPARTMENT OF THE INTERIOR.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

FD809

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Coleman Wolfe,
Lenapah, I. T.
Cherokee-F-D-809.
Register.

Cherokee Freedmen
D-809, D-826.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, in the consolidated case of Solomon Wolfe, et al., granting the applications for the enrollment of Solomon, Ola and Charles Wolfe, and rejecting the application for the enrollment of Leanna Wolfe, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. D-21.

Cherokee Freedmen
D-609 D-626.

Muskogee, Indian Territory, January 28, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Solomon Wolfe et al., including the Commission's decision dated January 2, 1904, granting the applications for the enrollment of Solomon, Ida and Charles Wolfe, and rejecting the application for the enrollment of Louman Wolfe as Cherokee freedmen.

Respectfully,

T. L. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-62.

COPY.

Cherokee Freedmen
D-609.

Muskogee, Indian Territory, January 23, 1904.

Solomon Wolfe,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself, your wife Leanna Wolfe, and your minor child Ola Wolfe, as Cherokee freedmen, together with a copy of the Commission's decision dated January 2, 1904, granting , among others, your application for yourself and minor child Ola, and rejecting your wife Leanna.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Enc. D-61.
Register.

Commissioner in Charge.

Refer in reply to the following:
LAND.
8300/1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Feb. 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Solomon Wolfe for the enrollment of himself and his wife, Leanna Wolfe, and his minor child, Ola Wolfe, and also the application of Charles Wolfe for the enrollment of himself all as Cherokee Freedman Citizens of the Cherokee Nation.

On January 2, 1904, the Commission rendered a decision in this case finding from the evidence that all of the applicants except Leanna Wolfe are the descendants of one Joe Wolfe and were born since 1866; that the said Joe Wolfe was the slave of a Cherokee Citizen at the commencement of the Rebellion and that he left said Nation during the Rebellion but returned thereto prior to January 19, 1867.

The Commission further finds from the evidence that the said Leanna Wolfe, who was born since 1866, is a descendant of one Joseph Smith and has no rights to enrollment except those she may have derived through him; that the said Joseph Smith was the slave of a Cherokee citizen at the commencement of the Rebellion; that he went to Kansas during the Rebellion and returned to the Cherokee Nation with Peter Warner and others after January 19, 1867.

It further appears from said decision that the name of Leanna Wolfe is not found on the 1880 authenticated roll of the Cherokee Nation.

By reason of these findings and facts, the Commission is of the opinion that Solomon Wolfe, Ola Wolfe and Charles Wolfe should be enrolled as Cherokee Freedmen in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495) and that the application for the enrollment of said Leanna Wolfe should be denied under the provisions of said section.

I have examined the record evidence in this case and am of the opinion that these findings of the Commission are sustained by said evidence and I therefore recommend that said decision of the Commission be approved by the Department.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

WCB-H

D C 12848-1904.
I.T.D. 1780-1904.
T.R.B.

COPY.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
FRE

April 16, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 26, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the applications for enrollment as Cherokee freedmen, of Solomon Wolfe for himself, his wife, Leanna Wolfe, and his minor child, Ola Wolfe, and of Charles Wolfe for himself, and recommended that your decision of January 2, 1904, in favor of Solomon Wolfe, Ola Wolfe and Charles Wolfe, and adverse to Leanna Wolfe, be concurred in.

The Department finding no reason to disturb your decision, it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,
Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 899

Muskogee, Indian Territory, April 26, 1904.

Solomon Wolfe,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 2, 1904, in the consolidated case of Solomon Wolfe, et al., granting, among others, your application for the enrollment of yourself and your minor child, Ola Wolfe, as Cherokee freedmen, and rejecting your application for the enrollment of your wife, Leanna Wolfe, as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 16, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 309-326.

Muskogee, Indian Territory, April 26, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 2, 1904, in the consolidated case of Solomon Wolfe, et al., granting the applications for the enrollment of Solomon Wolfe, Ida Wolfe and Charles Wolfe as Cherokee freedmen, and rejecting the application for the enrollment of Leanna Wolfe as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 16, 1904.

Respectfully,

Chairman.

REGISTRY RECEIPT.

Post Office at

Registered ~~Letter~~ Parcel No.

Received

, 190

of

addressed



P. M



Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I.T., May 23, 1901.

In the matter of the application of Lizzie Barnes for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Breedlove she testified as follows:

Q Give me your name? A Lizzie Barnes, of Kliza, I think one; I don't one of those was me I called.
Q How old are you? A I don't know exactly, I am in 30 somewhere.
Q What is your post-office? A Owasso.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir.
Q Have you a husband for whom you wish to apply? A No sir, just one by my boy.
Q Just one child? A Yes sir.
Q Is that child under 21 years of age? A Yes sir.
Q How old is he? A He is 19.
Q He is unmarried is he? A Yes sir.
Q How long have you lived in the Cherokee nation? A All my days.
Q Give me the name of your father? A I don't know my father's name; earliest mother I know is Rachel Eaton, a Cherokee Freedman.
Q Did she bring you up? A She didn't bring me up, but she died and I fell in the hands of George Landrum.
Q Who had charge of your [illegible] at first, as far as you can recollect? A Rachel Eaton.
Q And when she died George Landrum brought you up did he? A Yes sir.
Q You have been married? A Yes sir.
Q How many times? A Twice- three times.
Q Give me the name of your first husband? A Charlie Lynch.
Q Is he living? A Yes sir, he is living.
Q Is he a Cherokee Freedman? A Yes sir.
Q Give me the name of your second husband? A Buck Foreman.
Q Is he dead? A Yes sir.
Q Was he a Cherokee Freedman? A Yes sir, said to be.
Q Give me the name of your third husband? A Elijah Barnes.
Q Is he dead? A No sir, he is living.
Q Is he a Cherokee Freedman? A I don't know sir.
Q Are you and he living together? A Yes sir, we are living together, but I don't know what he is, he wasn't raised where I was at.
Q You don't apply for him? A No sir.
Q Whose child is this you are applying for? A Charley Lynch's.
Q Child of your first husband? A Yes sir, first man that I had.
Q Give me the name of this child? A Garfield Lynch.
Q That child you say is 19 years old? A Yes sir.
Q Is he living now? A Yes sir.
Q Is there anybody here who knows that you and Charles Lynch were married? A Well I guess so; we wasn't really married, but we were married in those days in them days.
Q Your name was Walker before you married? A Yes sir.
Q When was it you married Charles Lynch, how old were you then? A I don't know exactly, I must have been about between 15 or 16, time the small-pox was so bad among the colored folks on Grand river.
Q Along about 1886? A I don't know exactly.
Q And when did you marry Buck Foreman? A I don't really know.
Q How long have you been married to your last husband? A About two months.

Lizzie Harnes 2

Q What district were you living in? A I was enrolled in Saline District.
Q What district were you living in back when you were a girl, before you were married? A In Saline District.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified on page 670 #1334 Liza Walker, Saline District, adopted colored, 25 years of age.

Q How did you enroll, always as Walker, or what? A Walker.
Q Always as Walker? A One Foreman.
Q What time did you enroll as Foreman? A I don't know what year it was.
Q Did you draw Cherokee Strip money? A This last.
Q Yes? A No sir.

1896 census roll of citizens of the Cherokee nation examined and applicant not found;

Q Did you sometimes go by the name of Talbot? A No sir, not as I knows of.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not found;

Q How long did you and Charles Lynch live together? A I don't know exactly how long; it wasn't no great length of time though.
Q Did you live together a year or two? A It may have been, I don't exactly didn't really know; but we lived together awhile.
Q Did you marry Mack Foreman pretty soon after you and Lynch parted A No sir, it was quite a while afterwards.
Q Was it a number of years? A No sir, it wasn't such numbers of years; I don't know exactly the correct time.
Q How long had you been married to Charles Lynch before this child Garfield Lynch was born? A How long had I been living with him the old fashioned way?
Q Yes? A Oh, quite a while.
Q Well, a year or two, three or four or five? A No sir, it was about a year I guess.

Wallace roll of citizens of the Cherokee nation examined and applicant identified on page 40 #681 Eliza Foreman, Saline District. Noted "formerly Walker."

Wallace roll examined for child and name not found;

Q Did you draw Strip money for this child that Big payment? A No sir.
Q Did you ever have this child enrolled? A Yes sir, I had him enrolled.
Q Under what name did you have him enrolled? A Garfield, I think they had it down Parthenia or something, I don't know whether they ever corrected it.
Q You say Parthenia Lynch? A I heard it was that way; I don't know; I had it put down Garfield; that's the way I give his name at the time; I didn't get his drawing.

1898 census roll of citizens of the Cherokee Nation examined and applicant's child not found.

Sam'r Brockinridge: The applicant applies for the

enrollment of herself and one child; she is identified on the roll of 1880 under the name she gives as her maiden name, and she is identified on the Wallace roll, with a reference to the Hazel Smith she born in 1880; she claims to have lived in the Cherokee nation all her life; she has been married three times, and she is not able at this time to identify herself as being the person enrolled in 1880 and on the Wallace roll; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, to submit a more satisfactory identification of herself as the person identified on the rolls noted; her child Garfield Lynch, is said to be 19 years of age; this child is not identified upon either the Wallace roll or the Kern-Clifton roll or the roll of 1896; this child will now be listed for enrollment as a Cherokee Freedman on a doubtful card, to submit further proof of the marriage between the applicant and the child's father, and identification of the child as being a child of that marriage; this child's father is said by the applicant to have been her first husband.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 27, 1901.

Commissioner.

B. J.S. 417

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 23 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 23. 1901

Post Office Calvin, I.T.

District Coal

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

14. Name of wife Lizzie Barnes Age 36

Owner's name Citizenship

Year 1880 Page 678 No. 1334 District Sabine

Parents:

Father ✓ Citizenship

Mother ✓ Citizenship

Names of Children:

3.	Garfield Lynch	Year ✓	Page ✓	No. ✓	Dist. ✓	19
4.		Year	Page	No.	Dist.	
5.		Year	Page	No.	Dist.	
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by No 1 Stenographer M. D. Green

No 1 on 1880 roll as Eliza Walker

No 1 on Miller roll Page 40 No 861, Eliza Freeman.

Sabine Dist

No 9. Proof as to marriage of parents required.

E. J.S. 417

FILED
20 1901

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, May 29th, 1901.

Received of the Commission to the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the applic tion of Lizzie Barnes et al for enrollment as Freedmen o f the Cherokee Nation.

A. S. McRea

Attorney for applicants.

Cherokee F. #417.

F. D. 417

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ..... by delivering a true copy thereof on the ..... day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190...

..... Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 9th day of October, 1901.

A S McRea
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to ..... on the ..... day of ..... A. D. 190...

Subscribed and sworn to before me this .....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE [illegible] TRIBES

FILED
OCT 10 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Lizzie Barnes, ...
for enrollment as Cherokee Freedmen:

Case No. F. D 417. .....

To Lizzie Barnes, Owassa, I. T.: .....

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, ... Indian Territory, on October 15, 1901, at 8 o'clock A.M. ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 9, 1901.

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

P - T. 417.

In the matter of the application of Lizzie Barnes,
Cherokee Nation,
Vinita, I. T., May 24, 1898.

In the matter of the application of Lizzie Barnes.
A. S. McNeill, Attorney for Applicant, and U. S. Rennings, Cherokee Attorney, both present.
Applicant recalled for re-cross-examination by Cherokee Nation.

Lizzie Barnes, being sworn by Commissioner C. H. Breckinridge, testified as follows:
Q Give me your name. A Lizzie Barnes.
Q Are you the Lizzie Barnes who applied yesterday afternoon? A Yes sir.
Q Have you a child you call Garfield Lynch? A Yes sir.
By U. S. Rennings, Cherokee Attorney: What is your best estimate as to your age? A I really don't know; I am thirty somewhere.
Q You don't have any idea anywhere them that? A Well, I don't know, I am in thirty somewhere; I don't really know my age.
Q Do you remember your father? A No sir.
Q Do you remember your mother? A No sir.
Q Weren't you ever advised as to who your father and mother were? A No sir.
Q Nobody ever told you? A No sir.
Q Where were you living when you first did enough to remember? A With Rachel Eaton.
Q You were living with Rachel Eaton? A Yes sir.
Q And where did Rachel Eaton live? A She lived on Grand River a while.
Q What district? A Saline.
Q Who were some of her neighbors? A The closest neighbor living to her was an old man by the name of Griffin Daniels.
Q Anybody else living around there? A I can't remember anybody else. I was their closest neighbor at that time; I was quite small.
Q Who is the first you can remember after that? A (No answer)
Q How long did you continue to live with Rachel Eaton? A I lived with Rachel Eaton until she died.
Q About how old were you when Rachel Eaton died? A I don't know how old I was when she died.
Q About how long ago was it? A I don't really know how long it was.
Q Were you grown? A No sir, I couldn't have been.
Q Were you as much as ten years of age? A No, I don't think I was.
Q Were you as much as six or eight? A No sir, I don't know my age at all at that time.
Q What is your best estimate? We are not asking to be exact- that is your best judgment as to how old Rachel Eaton was when she died, and you quit living with her? A I couldn't tell you; I don't know.
Q Where did you go from there? A I went from Grand River to Big Creek; that is where she died.
Q She died on Big Creek? A Yes sir.
Q Big Creek is in Cooweescoowee District? A Yes sir.
Q That is out near Coffeyville, Kansas? A Yes sir.
Q That is fifty, sixty or seventy miles from Saline District? A I reckon so; I don't know anything about the miles.
Q How long did you live on Big Creek? A About five years.
Q With whom? A With Rachel Eaton until she died, and some [illegible] down on Verdigris River, Delaware District.
Q Who did you live with them? A George Lanirum. And I can remember when I got back there, I was enrolled with him.
Q How old were you then? A I don't know, because I don't know anything about my age; I didn't pay any attention to ages and years in that time.

Mr. B. B.

Q Were you ten or eleven years old? A I don't know that.
Q You were more than grown. A I am more than five now.
Q But then? A I don't know that.
Q Were you grown up when you went back to Saline from Big Creek?
A No, I wasn't grown; I was a child. I growed up here in Vinita and on Grand River together.
Q And then you lived with George Landrum back there? A Yessir.
Q What name did you go by back there? A Eliza Walker.
Q Where did George Landrum live? A Saline District.
Q Who were his neighbors then you were living with him? A Jake Bongo was his closest neighbor right across the Lake.
Q Any Cherokee neighbors? A I don't know so much about it. I think there was an old widow woman named Miss Sig.
Q How long did you live with George Landrum? A I don't know how long.
Q About how long? A I don't know exactly.
Q Did you live there twenty years? A No sir.
Q About five? A I don't know; I lived there quite a while.
Q To your best knowledge about how long did you live there? A My judgment wasn't much then.
Q Well how is it now? A It is not so much now.
Q You don't have any idea how many years you lived with George Landrum; one or two? A It was more than one or two.
Q Was it five? A I don't know, and I wouldn't try to say what it is when I don't know.
Q How long have you been at this place of enrollment? On this ground? A About two days, I guess. I might not been here that long because I am a little cracked anyway.
Q You have been here about two days? A Yes sir.
Q Were you here any longer than that? A No sir.
Q Were you here last week?
Attorney for Applicant, A. S. McKee- I object to that question.)
W. W. Hastings: Were you here last week? A No sir.

The representative of the Cherokee Nation asks this question for this reason that the Commission has been sitting here at this place since May 6th, of this year, and they having announced that they were going to adjourn on to-day, at noon, the representatives of the Cherokee Nation attempted by outside evidence upon the ground to correct the roll, and asked quite a number of colored Freedmen about the name of Eliza Walker who appears upon the 1880 roll for Saline District, for the purpose of correcting the same, and they are doubtful as to whether the person applying is the identical Eliza Walker, whose name appears upon said roll. They think this is a circumstance if this woman has been here any considerable length of time, and has not applied, which should be shown to the Commission.

Com'r. Breckinridge: There is of course a strong temptation and perhaps a number of instances where people have heard of persons enrolled in 1880 and now deceased, and have sought to appropriate to themselves the benefit of that enrollment, and it is considered entirely in the line of proper identification to develop any circumstance that may lead to a conduct of that character, or in any way tend to identification of persons who have undergone a change of name, or who from any reason are not closely identified.

Attorney McKee: I would like to ascertain, your Honor, if the question offered by Mr. Hastings in the line of evidence, is admissible.

Com'r. Breckinridge- Yes sir, entirely so.

E. L. H.

[illegible] Were you here last week? A No sir, I wasn't here last week, or I would have been here.
Q How long have you been here? A Since day before yesterday. I think day before yesterday was the 4 I came.
Q Were you not at Fort Gibson when the Commission was there last month? A Yes sir, I was at Fort Gibson, but didn't go there to go in.
Q Do you know R. M. Walker of Fort Gibson? A No sir, I don't know him.
Q Do you know his mother, Betsy Walker? A No, I dont guess I do; I wasn't raised in Fort Gibson, I was raised in Saline District.
Q Did you go to Mrs. Betsy Walker of Saline and ask her to identify you while the Commission was in session at Fort Gibson? A No sir.
Q Did you have any previous talk with her regarding your parentage? A No sir, I don't know any of the Walkers there.
Q You were at Fort Gibson? A I don't know any of the Walkers, only what I was told; I don't know them.
Q How do you come by the name of Walker? A I don't know . Some of my folks must have belonged to Walkers, I don't know.
Q You don't know who your folks were? A I don't know, it must have been that way. I didn't take myself a Walker.
Q Do you claim that you went by that name in your earlier days? A It is my maiden name on the roll there.
Q I am asking you? A I always went by that until I married.
Q By Elsie or Lizzie Walker? A Yes sir.
Q And you lived with George Landrum? A Yes sir.
Q Were you living with him when you married? A I don't know whether I was or not. I might have been living there when I was married.
Q Who were you living with when you were married? A I was just a girl; that was my home most of the time when I didn't come to town and work. I was backwards and forwards. I lived a good many places; that was mostly my home at George Landrum's. I was enrolled in the family.
Q How long did you make it your home? A I made it my home until after I was married a long time, just backwards and forwards; I didn't have no certain home after I came to be grown. I was working out most of the time.
Q You have a child that is 19 years of age, is that your eldest child? A That is my eldest child.
Q How long had you been married when that child was born? A I don't know about that how long I had been married.
Q You don't know where you commenced living with this man, you took up with him? A I was living with Charlie Lynch's.
Q Where did you take up with him - where did you live with him [illegible]? A I lived with him over the river at [illegible] his mother's home.
Q What was his mother's name? A Nancy Lynch.
Q How long did you live with him there? A I don't know exactly how long it was a good bit, I never paid no attention to the length of time.
Q Well did you live with him as much as five years? A No, we weren't living together; we would just quit and get another one.
Q When did you quit and get another? A It was a good while after that.
Q About how long? A About five or six or longer.
Q Then you got yourself another one? A Yes sir.
Q Who did you get then? A [illegible]
Q Where did you get him? A Out west.
Q On Big Creek? A Up Deep Creek.
Q Did you have any children by him? A Two that.
Q What are their names? A Little Pearl and the other Harrison after the President.
Q How old was [illegible] when she died? A She didn't have no age at all. [illegible] she didn't have no age when she died.
Q Only a few [illegible] or few days old? A Four months I reckon.
Q Didn't live [illegible]? A It didn't live at all.

4- E. E.

Q You say you gave birth to this child and it didn't live, but you gave it a name? A We named that child because we had it when born.
Q How could you give a child a name before it was born? A I gave two or three children a name before they were born after the Presidents and Sheriffs I named them.
Q You couldn't tell before they were born what sex they were? A It made no difference; boys would be named after girls and girls after boys.
Q How long did that second child by Foreman live? A She lived three months.
Q What was her name? A Hattie Pearl Stella Foreman.
Q Where did she die? A She died on Bird Creek.
Q How long did you continue to live with Foreman? A About five years or six maybe.
Q About how long ago did you quit living with him? A He is dead.
Q About how long ago did you quit living with him - how many years ago? A I don't know; he died about the time of the payment.
Q You mean the Freedmen payment? A Yes sir.
Q Have you since married a man by the name of Barnes? A Yes sir.
By A. S. McKay: Mrs. Barnes, where were you living and with whom were you living when you first have any recollection of yourself? A I was living down on Grand River with Rachel Eaton.
Q How long did you live with Rachel Eaton? A I don't know exactly how long I did live with her; I was quite small.
Q Did you live with her until she died? A I lived with her until she died.
Q With whom then did you live after she died? A I lived with George Landrum down on Grand River in Saline District.
Q Was there any other girl in George Landrum's family by the name of Lizzie or Eliza Walker? A No sir, no colored girl in that family in Saline District at that time that I knows of.
Q Have you ever known or heard of any woman by that name? A No sir.
Q Did you ever know of any woman or girl by that name upon the roll of 1880 in this particular district, and in this particular family? A No sir, never heard or known any about it.
Q Have you ever sought or intended to assume the name of Lizzie or Eliza Walker? A No sir, I never have.
Q For the purpose of arriving any benefits this person Eliza Walker is entitled to? A No sir, I never did. If I had to seek after it, I wouldn't have been here.
Q Then you have applied for enrollment by the rights and benefits that is due you, by reason of your name being on the roll of 1880 in the family of George Landrum? A Yes sir.
Commissioner of Applicant: Is George Landrum dead? A Yes sir.
A. S. McKay: Have you any witnesses here to testify that you are the identical person whose name appears upon the roll as the Lizzie Walker enrolled by George Landrum in his family? A Yes sir, there ought to be several of them. Luster Foreman - Charlie Mayfield.

Luster Foreman, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give us your name. A Luster Foreman.
Q How old are you? A I don't know exactly my age; about fifty or sixty, I don't know which.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A Always, all my life.
Q Did you ever know of a woman named Rachel Eaton? A Yes sir.
Q Did you ever know a man named George Landrum? A Yes sir.
Q Was Rachel Eaton a colored woman? A Yes sir.
Q Did you ever know a colored girl who lived with Rachel Eaton that Rachel was bringing up that wasn't her own child? A Yes sir.
Q What was that child's name? A Lizzie.

H. H.

Q Lizzie then? A That is all I know.
Q How far did you live from Rachel Eaton? A Right in the same town at Fort Gibson.
Q How far did you live from George Landrum? A I lived in Illinois District, and he lived in Saline.
Q You don't know how far it was? A No sir.
Q Whether a colored girl, an orphan, living with George Landrum? A I didn't know her when she went to George Landrum's family.
Q Did this girl, Lizzie, you speak of, ever live with George Landrum's family? A I don't know. I heard them say, but I never knowed that.
Q Have you a distinct personal recollection of her living with that woman Rachel Eaton? A Yes sir.
Q How old was that girl at that time? A She was small; she was a little thing.
Q About how old was she when Rachel Eaton died? A I don't know sir; I don't know when Rachel Eaton died; I remember the girl that was with Rachel Eaton, but I don't remember when she died, and I don't remember when she lived with George Landrum, but I remember of Rachel Eaton having this girl.
Q She was just a little girl when you saw her with Rachel Eaton? A Yes sir.
Q Did you know anything about her since then? A No sir. Well, I seen her here recently up in this part of the country.
Q Do you know this to be the same girl? A I guess so; I don't know she goes by the same name, Lizzie.
Q How do you know this woman goes by the name of Lizzie? A I don't know her by any other name.
Q You say you have seen her recently, did she tell you that her name was Lizzie? A That is all I ever called her in my life.
Q I asked you if she told you her name was Lizzie? A No sir, she never did tell me; her name was Lizzie, that is all I knew her by; that is all I called her.
Q You said you never saw her until here lately? A The first time I saw her was ten or twelve years ago. I saw her with Rachel Eaton at Fort Gibson.
Q Is that what you call lately? A Yes sir, it is to me. I have seen her often since.
Q That is not the point I asked you about, I want to know when you first saw her since you saw her at Rachel Eaton's? A About ten years ago, I guess.
Q Did she have any children then? A I think she had one, a boy.
Q Do you know whether this woman applying here is the same woman whom you saw as a child at Rachel Eaton's ? A To my best knowledge she is the one.
Q How do you identify her? A I have got nothing particularly to identify her by, but nothing more than I know her; she said she was the one and I know her by that name.
H. H. Hastings: How long after the war was it you saw this girl with Rachel Eaton, or was it about the close of the war? A It was along about '66 or '5; I don't remember what year it was.
Q It was just after the close of the war, was it? A Yes sir.
Q About what size girl was this girl you saw there then? A About that high, that size. (indicating.)
Q Did you take her to be three or four years of age? A Yes sir, about that, three or four years old.
Q Did you ever hear Rachel Eaton say whose girl it was? A No sir.
Q ~~You don't know whose girl it was? A No sir.~~
Q You don't know whether it was Rachel Eaton's own child or not? A No, I didn't know; I knowed it wasn't her own child.
Q How did you know that - you didn't know who her parents were? A The reason why I know, because she had taken her away from the white folks when they were going [illegible] Arkansas or some other place.
Q Did they take this girl? A Yes sir.
Q Tell about that? A That is all I know; they taken her away and Rachel Eaton got her and I don't know what become of her ever

Since.
Q Where did they take her away from the white people? A Gibson.
Q And you don't know who her parents were? A No sir.
Q Rachel didn't know? A No sir.
Q And some white people were passing by? A With this little colored girl in a wagon, they were taking her away when the war was over and everybody was free and Rachel Eaton wanted her; she was almost naked.
Q And you didn't see this girl then? A Not until about ten years ago they lived there at Gibson quite a while before they moved up here and I seemed her with George Landrum, but she wasn't with him then when I seen her she was grown and had a child.
Q What is her oldest child's name? A I know, but I can't think of it now.
Q Is it named Garfield? A Yes sir, that is its name.
Q You don't know where the white people were carrying this girl from where they got her? A No sir, I don't know anything about that.

Charlie Mayfield, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your name. A Charlie Mayfield.
Q How old are you? A I was born in 1858.
Q What is your postoffice? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you ever acquainted with a colored woman named Rachel Eaton? A Yes sir.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She has been dead I guess about 21 or 22 years to my best knowledge.
Q Did you ever know a child living with Rachel Eaton, which child bore the name of Lizzie or Eliza? A Yes sir.
Q Where did you know Rachel Eaton? A In Saline District, on Grand River.
Q How long was that after the war when yu first knew her? A Well, she moved up in the neighborhood where we were; it must have been about, as near as I can bring my remembrance, about '68 or '9; somewhere along there; maybe '67.
Q Was this child Lizzie, living with her then? A Yes sir, she fetched them there with her.
Q Did she pass as Rachel Eaton's child? A No sir, she claimed her to be an orphan child she got to raise.
Q When did you see that child after that time? A Well, I have been seeing her from that time on up to the present, about every two or three years; sometime oftener than that. I seen her recently right along in the neighborhood there for about 15 years.
Q Is this woman, the applicant, the same child as you saw living with Rachel Eaton? A Yes sir, to my knowledge.
Q Are you sure of it? A Yes sir, I am sure of it. I know it.
Q Well, where did you see this woman after you saw her with Rachel Eaton? A Rachel Eaton married and went west and died on Big Creek, and the children were brought back to Grand River and put in George Landrum's care. This girl was left with George Landrum and the other was left with Jake Beam.
Q Well, where did you see the child? A At George Landrum's.
Q Do you know anything about this woman ever having been married? A Lizzie Walker; yes sir.
Q How many times has she been married? A The first time she was married, I don't know when that was; it has been a while ago; she lived with a fellow; I guess you call it married.
Q Can you tell anything about the people she has lived with, to whom she is said to have been married? A Charles Lynch is one of the men.
Q And who else? A I don't know anything ab ut the others; I just heard of it.
Q You say you have seen this woman every two or three years since you saw her living with Rachel Eaton? A Yes sir.
Q Have you been living in the neighborhood?

A I live on Grand River. I would come home to this town and would see her here.
Q Were you in the habit of keeping up an old acquaintance with her? A Yes sir.
Q Would you call at her house? A I called on her when she was in this town; I haven't since she left this town.
Q Where is she living now? A She claims to be living somewhere out west. I don't know.
Q How far do you live from Vinita now? A We call it fifteen miles; it is in the neighborhood of 18 miles.
Q Is Vinita your trading point? A It is now and Adair.
Q Do you come often to Vinita? A Yes sir.
Q When was the last time you saw this woman at Vinita? A Not until the other day, I haven't seen her for two or three years.
Q Was she living in Vinita at that time? A No sir.
Q Where was she living then, did she tell you? A Out west in Goowescoowee District.
Q How long did she say she had been living out there? A She didn't say.
Q When you saw her before that was she living in Vinita or visiting in Vinita? A I saw her after the payment and she said she was living on Pryor Creek somewhere in that neighborhood.
Q About how long since you knew her to be living at Vinita? A I couldn't call my mind just exactly how long that has been. Some seven or eight years, I guess; I wouldn't be positive.
A. S. McKee: Mayfield, did you know the husband, Lynch, of this woman? A I knowed the man that was said to be her husband.
Q Do you know whether or not he was married to her or lived with her as her husband? A I don't know whether they was married or not lawfully married.
Q I asked you did he live with her as his wife? A I suppose; I don't know, said to be.
Q Did you ever visit them? A I went there once.
Q Were they keeping house together then? A They were there at his father's place.
Q Do you know whether or not she has any children? A Yes sir, she has one to my knowledge.
Q Do you know where it was born? A I don't know; I believe it was born on Grand River. I will not be positive.
Q Was he born in the Cherokee Nation? A I think so; I don't know of her being out of the country.
Q Do you know the name of that child? A Yes sir.
Q What is its name? A Garfield they call him.
Q Is he living? A The last time I sawed him he was.
Q How long ago has that been? A That has been quite a little while since I seen him.
Q How long did you say you have known the applicant here, Eliza or Lizzie Walker? A I don't know how long it has been. It has been quite a long while.
Q Good many years, has it? A Yes sir.
A In about '82 or '3 when I first seen her.
Q Has she lived continuously in the Cherokee Nation ever since you have known her? A So far as I know about her; every time I seen her I saw her in the Cherokee Nation. I have never seen her out of it.
Q You have seen her frequently since the time you have known her? A About every two or three years after she left the portion of the country where I lived.
Q [illegible] About what size girl was this girl when you first saw her; what age would you judge her to be? A I never gave any particular notice about ages, but she was a girl to my first recollection, must have been ten or twelve years old; ten or eleven I guess; she was about that high. (indicating)
Q That was in '82 or '3? A Somewhere along in there; I want be positive; somewhere along there.
Q What name did she go by at that time? A I always heard them call her Lizzie Walker, is all I ever heard them call her.
Q You heard her called by that name when she was with Rachel Bartell? A Yes sir, Lizzie Walker.

S. L. B.

Q Well now, do you identify this woman as being that same one? A This is the same woman, I know, because I have grown up with her; we nicknamed her; we called her Negro-head Lib., and I know it is the same one.
Q It is the same one you knew it? A Yes sir, I am confident it is the same one.
Q You didn't know her father or mother were? A No sir, I never knew anything about her people; she was always reported to me as an orphan.
Q You don't know whether she was born before the war or not? A No sir, I don't know anything about that.
Q Do you know whether she was living with George Landrum's people? A Yes sir.
Q About how long ago has that been? A I think she was at George Landrum's in 1880. I am confident she was there when Foreman taken the census in Saline District.
Q The Alphabetical N.E.Y. Foreman? A When Bill Foreman taken the census in Saline District.
Q Did you ever know another Eliza Walker in Saline District? A No sir, I have never knowed any other Eliza Walker, Freedman or any other.
Q The time the Wallace Roll was made in '69 or '70, was she living in Saline then? A I don't remember whether she was or not.
Q How long have you seen this woman on the ground here during this enrollment? A I seen her at Vinita day before yesterday, I believe.
Q Was that the first time you have seen her here since the Commission has been here? A That is the first time to my best knowledge. I shooked hands with her day before yesterday, and I never seen her until I saw her yesterday.

Lester Foreman recalled and examined by W. W. Hastings:

Q How long have you seen this woman here? A Since day before yesterday.
Q Is that the first time you have seen her since the Commission was in session? A Yes sir.

Applicant recalled and examined by A. S. Mehan, her attorney:

Q Have you lived continuously in the Cherokee Nation ever since your recollection? A You bet I have; if I hadn't been I would never have come back here for any rights; I want you to understand that.

W. W. Hastings: Did you apply to the Clifton Commission in 1896 for enrollment? A Yes sir, I did.
Q Under what name? A Walker, I believe. I generally enrolled under my maiden name.
Q Did you apply then where? Where was the Commission in session: that is five years ago, the Kerns Clifton Commission? A I went so many places, I don't know where I was then.
Q You know where you applied? A I don't know what place they enrolled me at; I went from one place then to another.
Q Did you drew strip money? A Strip nothing; I didn't drew any.
Q You don't know what name you gave in then? A Yes, of course, I do.
Q Well what? A I don't know what name I did give in, but I generally gave in my maiden name when I enrolled.
Q Well, what was your correct name in 1896, five years ago? A Well, I don't remember now. We would marry any time we get ready in those days. I married so many times: I don't know how many names I have had.
Q Did you ever marry a man by the name of Curtis? A Yes sir, I married a man by the name of Cobbins. Have you found any name like that? If there was any money in it, it wouldn't be found to-day.
Q When did you marry Curtis? A I don't know exactly what year I married him in.
Q About how many years ago? A It has not been so long; I don't know exactly how long it has been either. I never paid any attention.
Q What is your post-office address? A Well, I couldn't really say

L. D.

because I haven't any judgment of them about it at all.
Q Do you know how long you had been living with him as his wife when you applied five years ago? A I had been with him a year at that time.
Q Who else had you lived with? A I guess that is all.
Direct Testimony Recalled for Further Examination by W. W. Hastings.
Q What name did this girl go by when you first knew her with Rachel Eaton? A Lizzie is all I knew.
Q You never knew her other name? A No sir.
Q You never heard it? A But Lizzie Walker and Nevermost Lizz.
Q Why didn't you know the Walker part a while ago? A I never heard Walker until the case up here. Mrs. said so then: I never knew her before by Walker.
Q You never knew her by that name before? A No sir.
Q You never knew her by the name of Walker down there? A No sir.
A. E. McKee: Have you been speaking about this matter since you went outside; anybody consulted you? A No sir, nobody didn't consult me in regard to that.
Q Since you went outside? A No sir, I don't know anything about anybody consulting me.
Q Haven't you been spoken to about it since you went outside, truthfully now? A Well, I am truthful.
Q Haven't you been spoken to about this matter? A I heard them talking about it out there.
Q What did you hear? A I never paid any attention; I was trying to sell lemonade.
Q What did you hear? A They said this was Lizzie Walker.
Q They said out there it was Lizzie Walker? A I suppose so, I don't know.
Q Didn't you testify in your first testimony that this girl was known as Eliza Walker? A No sir.
Q What did you testify? A I said her name was Lizzie, was all I knowed her.

L. D. Daniels, being sworn and examined by Commissioner W. W. Breckinridge, testified as follows: Witness on behalf of the Cherokee Nation.
Q Give me your name? A L. D. Daniels.
Q What is your postoffice? A Shreveport; District, Cccccccccccc.
Q How old are you? A 56.
Q How long have you lived in the Cherokee Nation? A All my life.
W. W. Hastings: Mr. Daniels, did you live at Fort Gibson the first few years after the war? A Yes sir.
Q Did you know Rachel Eaton? A Yes sir.
Q Did you know a little girl when she had been brought up directly after the war? A Yes sir.
Q Do you know what that girl's name was? A We called her Lizzie; that is the white man that had her said her name was Lizzie.
Q How did Mrs. Eaton come in possession of her, just tell all the circumstances? A There were some white folks passing through and they stopped to buy grub in town, and a little girl was in the wagon with them, and she was commonly dressed, she didn't have any clothes, and I made the first proposal to take her away from them and we got it, and the old lady she said she could take the little girl: Mrs. Eaton.
Q And did, and she? A Yes, and did.
Q About how old was this girl at that time? A She seemed to be five or six years old. I guess she was about that high. (Indicating)
Q About what year do you think that was? A That was in the latter part of '65, or the spring of '66; it was one.
Q Have you heard this child called by any other name at that time? A Not until I moved up here in this district; in fact, I didn't know where she was, and I have been knowing her for several years here, but the people nicknamed her; they called her [illegible]. I didn't know who that was, and to be positive [illegible] you came to look over the rolls that was with Eaton.

Q Besides, when I knew the girl, and I understood, was that [illegible] calling Morehead Lis, and some of the colored people said, "Why, this was the girl"

Q But you didn't know yourself? Mrs. Jarrett about the girl I had taken away. I have been her 14 [illegible] and others about repeatedly. I forget about the girl up with Rachel Eaton at Fort Gibson.

Q How long did Rachel Eaton live there up Fort Gibson with this girl? A She left about the fall of '66, or the spring of '67; she left before the seizure.

Q Where did Rachel Eaton die? A Up here on Grand River; some where up there, I don't know whether it was the North part of Saline or on the south side of Delaware.

Q She didn't die on Big Creek then, did she? A If she did, I don't know it. She died before I went up there; I went up there in 1872; she wasn't there then.

Q You don't know where those Texas people were from? A They were from Texas, I believe they said.

Q You don't know anything more of this girl's parents? A No sir, I don't know anything more about it, and I didn't ask.

Q Who did this girl marry first? A I don't know.

Q Do you know who she married after that? A No sir.

Q You don't know any of her husbands? A No sir, I don't know whether she is married now from my own judgment.

A. S. McNeal. When was it you all first taken custody of this child? A I think it was in the latter part of '65 or the summer of '66, or spring; it was warm.

Q Is this the same girl? A Yes sir, I think she is the same girl.

Q Did old lady Rachel have the care and keeping of her until she died? A I can't tell you that.

Q So far as you know? A I wouldn't say because I knew she had taken her away from Gibson, but I don't know whether she kept her all the while or not.

Commissioner: Have you seen this woman frequently from the time you knew her as a child until now? A No sir.

Q How long after she left Fort Gibson with Rachel Eaton, was it before you saw her again? A Well, I may have seen her frequently, though, but I think a remember of seeing was until we were in Coo-weescoowee, and they kept calling her by that name Morehead Lis, and I commenced inquiring who was this girl.

Q When did you see her in Coowescoowee? A I have been seeing her for eight or ten years.

Q The last eight or ten years? A More than that; she worked around for her living; she has been working in the same town I have been living, with Mr. Allen McClellan.

Q You don't [illegible] the time you saw her with Rachel Eaton [illegible] about eight or ten years ago? A Not that I know of.

Q She called Morehead Lis when she lived with Rachel Eaton? A Not that I know of.

Q When did you hear this woman, if it be the same person, spoken of as Morehead Lis? A Ten or twelve years, and maybe longer than that.

Q Was she there [illegible] in Coowescoowee? A Yes sir.

Q [illegible] you to know that this woman you know here now and [illegible] you saw in Coowescoowee ten or twelve years ago, how do you know it is the same person, and that child you met back there [illegible] do you know it? A I knew it because she came to [illegible] we came up here with her and identify her, and [illegible] wait on she had to prove her former events.

[illegible] this week.

Q When was it she told you this? A It was either yesterday or day before. I don't know which.

Q [illegible] to you and she told you she was the same? A I went [illegible] her and Perman was talking, and I asked them [illegible]

[illegible] Yesterday? A It was yesterday or day before [illegible] I don't remember the day; it was one of the days.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 15th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Minnie Harris, C. F. D. #417.

Appearances:
James S. Davenport for the Cherokee Nation.
A. S. McRea for the applicant.

C. W. CLARK, being first duly sworn by Com.r T. B. Needles, testified as follows on the part of the Cherokee Nation:

BY A.S.McREA: We object to the Nation offering any further testimony for the reason that the taking of rebuttal testimony as been done when the applicant was present, and that before this testimony is taken that the Cherokee Nation be required to cite what he wants to prove.

By the Commission:

"The objection will be noted."

BY A. S. McRea:

"We also desire to object further and cite in support of that objection page 56 Section 21 of the Curtis Act and state that the witness is on the roll of 1896."

(By Mr. Davenport of the witness)
Q What is your name? A C. W. Clark.
Q Where do you live? A Vinita.
Q What is your age? A 38.
Q Are you acquainted with the applicant in this case? A Yes sir.
Q How long have you known her? A Ever since she was a girl.
Q Where was she when you first knew her? A Fort Gibson.
Q Who was she living with? A With a colored widow woman who named Rachel Eaton.
Q Was she Rachel Eaton's child? A No sir she claimed that she was a child that had been left there by some white people.
Q When did you next see her after that? A After I left and moved on the river in '68 they moved up there in 66 or '9 and lived up there, this widow woman Rachel Eaton and this child.
Q Did you ever know this applicant's father or mother? A No sir.
Q What became of Rachel Eaton? A She died.
Q What became of the girl then? A She was in the family of George Landrum.
Q Did he claim her as his child? A No sir.
Q Did you ever take the census? A Yes sir, the first year the bread money was paid out and after that I served as solicitor.
Q Did Landrum give in her name as his child? A No sir.
(No questions by McRea)
(By the Commission)
Q Where was this Lizzie [illegible] born? A I dont know sir, she was right smart of a child when Rachel Eaton got her at Fort Gibson.
Q She was a colored child? A Yes sir.
Q When was it that Rachel Eaton got her? A It must have been about '64.
Q Do you know where she has been living since? A She moved on the river after the war—I was acquainted with the old woman there at Fort Gibson before she moved on the river.
Q As far as you know this applicant, Lizzie Harris has always lived in the Cherokee Nation since '64? A Yes sir.
Q She would be a free colored person at the close of the war? A Yes sir.

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Chas. von Wrise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 15th day of October, 1901.

Commissioner.

Cherokee Freedmen D-88.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, March 20, 1900.

In the matter of the application for the enrollment of Lizzie Barnes, et al., as Cherokee Freedmen.

SUPPLEMENTAL STATEMENT.

From an examination of the 1880 authenticated Cherokee roll, now in possession of the Commission, it appears that the applicant Lizzie Barnes is identified thereon by the name of Liza Walker, at page 89, Saline District (Orphan Roll), #114, as an adopted colored.

W E Stanley
Commissioner.

Cherokee Freedmen D. 417.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on May 21, 1901, Lizzie Barnes appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on March 24, and October 15, 1901.

The evidence shows that Lizzie Barnes is identified on the 1880 authenticated Cherokee roll as Liza Walker; and that Garfield Lynch is her child born since the date of said roll.

The evidence further shows that Lizzie Barnes has resided in the Cherokee Nation continuously from 1880 up to and including the date of her application herein; and it is considered that her minor child, Garfield Lynch, has resided with her since his birth.

It is, therefore, the opinion of this Commission that Lizzie Barnes and Garfield Lynch should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

C. R. Breathitt

W E Harvey

Dated at Muskogee, Indian Territory,

this JUL 1 - 1903

LOW.H.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Tahlequah I. T. July 31st 1906.

In the matter of the application of Lizzie Barnes et al for enrollment as Cherokee freedmen. C. F. D. 346. #17

Protest of the Cherokee Nation.

Comesnow the Cherokee Nation and protests against the decision of the Commission in the above entitled case rendered July 1st 1906 and prays an appeal to the Honorable Secretary of the Interior.

The evidence in this case shows conclusively that the applicant was brought to Fort Gibson about the close of the war perhaps in 1866 by some white people and was given to a colored woman by the name of Rachel Eaton; so far as the reliable testimony is concerned no one seems to have known her by the name of Lizzie Walker until after the Commission was checking up the list of unclaimed names upon the 1880 Cherokee freedmen roll for Saline District when the name of Lizzie Walker was found and therefore claimed by the applicant. It is true that she brings in one or two witnesses to state that she was known by the name of Eliza Walker but the weight of the evidence is against it; no one seems to have known her father or Mother and she did not know their names. She was reared by Rachel Eaton during her life time and after her death the applicant went into the family of George Landrum and there is no reason whatever for her assuming the name of Walker. She was never married to a man by that name and never lived in a family by that name; had no relatives by that name and does not give any reasonable theory why she should be called by that name except to fit that unclaimed name found upon the 1880 roll.

It is quite clear that she was not entitled to enrolment under the treaty because she was never owned by a citizen of the Cherokee Nation before the war nor was she a free colored person residing within the Cherokee Nation at the beginning of the war.

The especial attention of the Honorable Secretary of the Interior is invited to the fact that she was not even enrolled by the Dawes Commission and when closely cross examined as to her appearance before

that Commission in 1896 she makes no satisfactory answer so that her record could be looked up; she admits that she drew no money; she will not tell her name at that time and there is not a thing to show that at that time that she had ever bourne the name of Eliza Walker. It is perhaps true that she was nicknamed "Horse Head Liz" but the testimony does not show by a fair preponderance of it, or by a sufficient amount, to carry any conviction that she was ever known by the name of Walker prior to the time this unclaimed name was discovered upon the Saline District roll of 1880. There was a great deal of money at stake when the Cornsilften roll was made in 1896 and had this woman ever gone by the name of Eliza Walker, how eager would she have been to have claimed that name and how gladly she would have seized the opportunity to having put in any number of witnesses to identify heras being the person who had previously bourne that name and in that way secured her enrollment but now she refuses to disclose by what name she applied in 1896 in order that the testimony she gave at that time may not be looked into and her present statement contradicted by that she gave in 1896.

In so much as she was not entitled under the treaty and in our judgment we do not believe she is the identical person she now represents herself to be we submit that she should not be enrolled as a freedman citizen of the Cherokee Nation.

Respectfully submitted,

L B Bell

W W Hastings

J. d Davenport

Attorneys for the Cherokee Nation.

J. C. S.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Lizzie Parnes,
Owasso, I.T.
Cherok[illegible]-'17
Re[illegible].

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-417.

Muskogee, Indian Territory, July 25, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sirt

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting the application of Lizzie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. N[illegible]

Commissioner in Charge.

Enc. D-116.

Refer in reply to the following:
LAND
48544-1903.

COPY.

CFL

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan'y 14, 1904.

The Commission to the Five Civilized Tribes.

Gentlemen:

I am in receipt of your communication dated July 28, 1903, forwarding for consideration the record of the proceedings had before you in the matter of the application of Susie Johnson for the enrollment of her seven minor children, Minnie, Frank, Jay, Fannie, Ethel, Hattie and Arthur Johnson, as Cherokee freedmen, including your decision dated July 1, 1903, granting their application.

Upon examining said record I find attached thereto a protest of the Cherokee Nation dated July 21, 1903, and pertaining to the application of Lizzie Barnes, et al., for enrollment as Cherokee freedmen, (C.F.D.546). As I find no relation between the application of the said Lizzie Johnson, et al., and that of Lizzie Barnes, et al., I presume this protest has been attached to this case by mistake, and the papers are herewith returned so that the matter can be corrected, and if the Nation did protest against your decision in the Susie Johnson case, that protest can be attached to the record, and the same returned for further consideration.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

WC.B.-L.C.

Cherokee Freedmen
D 417

Muskogee, Indian Territory, February 13, 1904.

Lizzie Barnes,

Owasso, Indian Territory.

Dear Madam:

On July 21, 1903, there was forwarded to you a copy of the Commission's decision dated July 1, 1903, granting your application for the enrollment of yourself and your minor child, Garfield Lynch, as Cherokee Freedmen. There has this day been forwarded your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the Commission's decision, and he has heretofore been furnished with a copy of the record of proceedings had in the case.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has heretofore been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Commissioner of Indian Affairs' letter of January 4th (Land 6844-1903), there is herewith transmitted the record of proceedings had in the matter of the application of Lizzie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee Freedmen, including the Commission's decision dated July 1, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is inclosed.

In this connection the Commission desires to state that its decision in the case of Minnie Johnson, et al., Cherokee Freedmen D 846, was forwarded to the Department on July 28, 1903, through error, there being no protest by the Cherokee Nation to that decision.

Respectfully,

Encl. V-84.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
D 417

Muskogee, Indian Territory, February 13, 1904.

A. S. Mallon,
Attorney for Lizzie Barnes,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the Commission's decision dated July 1, 1903, in the matter of the application of Lizzie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-63.
Register.

Commissioner in Charge.

Cherokee Freedmen
D-546

Muskogee, Indian Territory, January 21, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Cherokee Freedmen D 413, Lizzie Barnes, et al., it is noted that you filed a protest against the Commission's decision of July 1, 1903, enrolling the applicants, but that said protest is marked by you to be filed against the decision of same date in Cherokee Freedmen D 546. Attention is called to the fact that the latter case is the application of Susie Johnson, et al. You are, therefore, requested to advise the Commission at your earliest convenience if you had intended also to protest that case.

Respectfully,

Commissioner in Charge.

Cherokee 2-1168

Tahlequah, Indian Territory, January 25, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

As requested in Commission's letter of January 20, I have the honor to transmit herewith the jacket, record and card in the matter of the application for enrollment, as freedmen citizens of the Cherokee Nation, of Linnie Barnes et al., Cherokee 2-1168.

Respectfully,

Acting Chief Clerk
Cherokee Land Office.

EVH
Enc. 2-1168

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

As requested in Commission's letter of January 20, I have the honor to transmit herewith the jacket, record and card in the matter of the application for enrollment, as freedmen citizens of the Cherokee Nation, of Lizzie Burnett et al., Cherokee F-1168.

Respectfully,

Acting Chief Clerk
Cherokee Land Office.

EFK
Encl. F-1168

Refer in reply to the following:
Land.
11490-1904.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Lizzie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this case, finding from the evidence that the said Lizzie Barnes is identified on the 1880 authenticated Cherokee roll as Liza Walker, and that Garfield Lynch is her child born since the date of said roll. The Commission further finds from the evidence that the said Lizzie Barnes has resided in the Cherokee nation constantly from 1880 up to and including the date of her said application, and that it is considered that her minor child has resided with her since its birth; by reason of which facts and findings the Commission is of the opinion that said applicant and her child should be enrolled as Cherokee freedmen in accordance with the provisions in section 21 of the act of Congress approved June 28, 1898 (30 Stats 495).

Attached to this record is a protest against said decision on the part of the Cherokee nation, wherein it is claimed that the

evidence does not show that this applicant, Lizzie Barnes, is the identical person whose name appears on said 1880 roll as Liza Walker. It is further claimed by the nation that this applicant is not entitled to enrollment, for the reason that it is not shown that she was ever owned by a citizen of the Cherokee Nation before the war, nor that she was a free colored person residing within the Cherokee Nation at the beginning of the war.

The nation calls special attention to the fact that her name is not on the Kern-Clifton roll. The nation also calls attention to the fact that considerable money was at stake when the Kern-Clifton roll was made in 1896, and that if the applicant had ever went by the name of Eliza Walker she would have been very eager to have claimed that name so as to have secured her enrollment.

I have examined the testimony submitted in behalf of this claimant, and while it is not as convincing as it might be, yet in the main it shows pretty conclusively that this applicant is the identical person whose name appears upon said 1880 roll. Her age, and other facts set out, tend to show that she is very probably the same person, and having arrived at the conclusion that she is the identical person whose name appears on said roll the other objections of the nation have no weight, for the reason that the decree of the Court of Claims, under which the roll of these Cherokee freedmen shall be made, specifically states that no evidence shall be accepted tending to disprove the citizenship of any of the persons whose names appear upon said roll. I am therefore of the opinion that the

Commission was warranted in rendering said decision in favor of the applicant and her child, and recommend that the same be affirmed by the Department.

Respectfully,

E. C. Tonner,

Acting Commissioner.

WOB-MA

D.C. 16227-1904. COPY J.P.

I.T.D. 2066-1904. DEPARTMENT OF THE INTERIOR, EHK.

L.R.S. WASHINGTON, April 22, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 19, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Idazie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee freedmen, and recommended that your decision of July 1, 1903, in favor of the applicants, be approved.

The Nation protested against your decision, claiming, among other things not material, that the principal applicant had not identified herself as being the person enrolled on the 1880 roll.

The testimony submitted by the principal applicant is somewhat vague and unsatisfactory, but in the absence of any testimony on the part of the Nation in any particular contradicting the testimony of the applicant, the Department affirms your decision, in accordance with the recommendation of the Indian Office. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

1 inclosure. Acting Secretary.

Cherokee Freedmen
D 419

Muskogee, Indian Territory, April 20, 1904.

Lizzie Barnes,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, granting your application for the enrollment of yourself and your minor child, Garfield Lyman, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 20, 1904.

Respectfully,

Chairman.

Chickasaw Nation
D 617

Muskogee, Indian Territory, April 28, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, granting the application of Lizzie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 22, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 417

Muskogee, Indian Territory, April 29, 1904.

A. S. Mellett,
Attorney for Linnie Barnes, et al.,
Muskogee, Indian Territory.

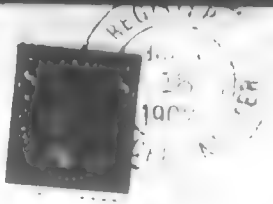
Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, granting the application of Linnie Barnes for the enrollment of herself and her minor child, Garfield Lynch, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 28, 1904.

Respectfully,

Chairman.

REGISTERED
MAY
29
1902
MUSKOGEE, IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Unclaimed

1902
IND T

Mrs. Lizzie [illegible],
[illegible], Indian Territory.

FF 1330

R FR40

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 17 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 17 1901

Post Office Chacotah

District Canadian

1. Name Charles Foreman Age 60

Owner's name Stephen Foreman Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Ro W Stenographer Jones B C

Fr. 90

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 25 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Chas. Foreman for enrollment as a Cherokee Freedman:

Case No. F. D. 90

To Chas. Foreman

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on the following dates, to-wit: Oct. 3d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 1901 day of , 1901.

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Charles Forman for enrollment as a Cherokee Freedman.

No. F. D. 96

Henry Pack, of lawful age, being duly sworn on oath states that on the 10th day of September A. D., 1901, he registered to Charles Forman whose postoffice is Cheotah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 25th day of September, 1901, he received the return card which is hereto attached, signed by the said Charles Forman, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 25th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 4 1901
Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Oct 14th 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Charles Foreman for enrollment as Freedman of the Cherokee Nation.

No. 7 D 90

N.B. Bledsoe
Atty. for applicant

MENT OF THE INT
TO THE FIVE CIVILIZED TRIBES
FILED
APR 17 1991
ACTING CHAIRMAN

Cherokee Freedman - 4.

George Amos Foreman testified in behalf of Sallie Mayfield for enrollment as a Cherokee freedman, and his test mony was that application & is made a part of the record in this case, as follows:

George Amos Mayfield, recalled, testified as follows:

Mr. Hastings: You applied to the Commission for enrollment?

A Yes, sir.

Q Have you been enrolled on a straight card? A I can't tell you. I applied at Muskogee. I don't know whether they did or not.

Q. Did they reject your? A I think it is:

Q. Your name isn't on the 1880 roll? A I think it is:

Mr. Faulds: (Attorney for Sallie Mayfield): You go by the name of Rose Mayfield sometimes don't you? A No, sir, just the two names.

George Mayfield and Amos Mayfield.

George Amos Mayfield is listed on Dawes commission

rejected card No. 5.

****

Bruce T. Jones, being duly s om, says that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and has so written it true and correct into the record.

[illegible]

[illegible] this the 15th of April 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 27, 1901.

In the matter of the application of Charles Foreman for enrollment as a Cherokee Freedman.

Charles Foreman, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charles Foreman.
Q What is your age? A I am about 50.
Q What is your post office? A Checotah.
Q What district do you live in, Canadian? A Canadian.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled by any other tribe or Nation except the Cherokee? A That is all.
Q Have you ever been recognized by the Cherokees as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir; why it is on the roll here.
Q You don't know what roll it is on? A Yes, sir, it is on the roll, I saw it.
Q What roll? A The Wallace roll I think.
Q Who do you desire to be enrolled besides yourself? A Just myself.
Q Your name isn't found on the authenticated roll of 1880 or the census roll of 1896; did you draw what is known as the strip money? A I drew once at Bragg's.
Q How much? A Seventeen dollars.
Q You didn't draw what is known as the strip payment? A No, sir I haven't drawed it.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Were you a slave? A Yes, sir.
Q What was the name of your owner? A Stephen Foreman, at Tahlequah.
Q Was he a Cherokee citizen? A Yes, sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A Well, I went away with William Ross in 1863.
Q Where did you go to? A He took me to Philadelphia with him, I went with him, as waiter to take care of his family.
Q When did you return? A In 1866.
Q Have you been living in the Cherokee Nation ever since 1866? A Yes, sir.
Q Why is your name not on the roll of 1880? A It must be there somewhere, but I can't read and write and I am sorter forgetful, but it is on there if it could be found.

Col. D.M. Wisdom, attorney for applicant: You say you returned here in 1866? A Yes, sir.
Q You went north with Colonel Ross to Philadelphia? A Yes, sir.
Q And returned in 1866? A Yes, sir.
Q You say you belonged to Stephen Foreman? A Yes, sir, I just went with Mr. Ross.
Q Stephen Foreman was a recognized Cherokee citizen, was he, your master? A Yes, sir, he was my master.
Q You belonged to him? A I belonged to Mr. Foreman, and I went with Mr. Ross.
Q You don't know why you are not on the authenticated roll of 1880? A No, sir.
Q Did you make application to be enrolled? A I made application for it.
Q You supposed you were on the roll? A Yes, sir, my name is on

the roll somewhere.

Q You can't read nor write? A I can't read nor write, and I am kinder forgetful.

Q Your memory isn't good? A No, sir, my memory isn't good.

Mr. W.W.Hastings, attorney for Cherokee Nation: Did you go to Philadelphia with Chief John Ross and William P. Ross, who lived out here? A Lived here at Fort Gibson, yes, sir.

Q You went in 1861? A Yes, sir.

Q Who did you return with? A Why he give me a transportation back. He came first and he left a transportation for me to come back here.

Q You came after he came? A Yes, sir.

Q That was in the year 1866? A Yes, sir.

Q What time in the year was it? A It was in the spring.

Q In the spring of 1866? A Yes, sir, in the spring.

Q About what month? A I don't know exactly, but it was in June, the trees was all budding out.

Q You came on the train here? A I came on the train as far as Memphis, and then taken the boat and came.

Q How to what point in the Cherokee Nation did you come in 1866?

A Right here.

Q To Fort Gibson? A Fort Gibson; I stopped at Fort Smith and came up here.

Q With whom did you live here immediately after your return in 1866, just after you came back? A I lived with right here and I went to work with a man called Andy Maxwell in a barber shop; I am a barber by trade.

Q Col. William P. Ross' widow is alive, isn't she and in town?

A Yes, sir.

Q She knows when you came back? A Yes, sir.

Q Did you go over there when you came back to see the folks?

A Oh yes, sir.

Q They know about it, do they? A Yes, sir.

Q What other people here know when you returned in 1866? A Several of them here, Veach and Mayfield.

Q How long did you live in Fort Gibson after you came back in 1866?

A I stayed here for years.

Q About how many? A About four or five years.

Q Then where did you go? A I went back to Tahlequah and then down in the Cherokee Nation and down here to this place down below here, I worked backwards and forwards and then over in the Cherokee Nation.

Q What town? A This here town over here, Muskogee.

Q Have you always lived either in the Cherokee or Creek Nation ever since your return in 1866? A Backwards and forwards.

Q You have lived in one or the other of the nations all the time?

A Yes, sir.

Q Never lived in Kansas or Arkansas or Texas? A No, sir.

Q Or out side of the Indian Territory since 1866? A No, sir.

Q Lived here continuously? A Yes, sir.

****

George Knox Mayfield, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George Knox Mayfield.

Q How old are you? A I suppose I am about 56 I guess.

Q What is your post office? A My post office has been at Muskogee.

Q What is it now? A I haven't got any now.

Q Where would a letter reach you now if you had one sent to you?

A I hardly ever have any such want come.

Q Suppose a man would send you a letter with some money in it?

A Well somebody probably could tell me and I would go and see

about it wherever it might be.

Q Are you a Cherokee Freedman? A Yes, sir, always have been.

Q Recognized by the Cherokee Nation? A Yes, sir.

Col. Tiffany: Are you acquainted with Charles Foreman? A Yes, sir.

Q You know him? A Yes, sir.

Q How long have you known him? A Ever since 1866.

Q Did you see and hear of him in Fort Gibson in the year 1866?

A Yes, sir.

Q You are positive of that? A Yes, sir.

Q Where did you live? A Right under the hill there and worked right in the commissary for Major Ludendill.

Q And right at that time you met this man Charles Foreman?

A Yes, sir.

Q You had known him before that? A Yes, sir, I had known him before.

Q You identify him as the man you have known all the time, this man that was here? A Yes, sir.

oooooooooo

Charles Foreman, recalled, testified:

Mr. Hastings: Didn't you swear before in 1896 that you belonged to John Ross or you went north with John Ross? A No, sir, John Ross and William Ross all went together, and I went with him, John Ross, the chief, and William Ross all went together.

Q You went then with all of them? A Yes, sir, I looked for them and waited on them.

Q Was you here when they brought John Ross' body back here to be buried? A He came about a month before I came I reckon.

Q When they brought John Ross' body back here about a month before you came? A Yes, sir.

oooooooooo

Daniel Roach, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Daniel Roach? A Yes, sir.

Q What is your age? A 75 I believe.

Q What is your post office? A Braggs.

Q Are you acquainted with Charles Foreman? A Yes, sir, I used to be.

Q Was he here in 1866, after the war? A I can't tell you; I saw him, I was at work with the soldiers and when they got a discharge I went here and hauled salt backwards and forwards from the old salt works after the war.

Q Did you see him after the war? A About three years after peace was made I saw him here, I saw him at this place and after that I lost sight of him there and didn't see him any more until about five years I think from that time, I saw him over in Muskogee while Severs was selling goods there.

Q You don't know whether he lives there or not? A No, sir, I don't, I just happened to see him there, I saw him there is all I know about it.

Commissioner Needles: The name of Charles Foreman is not found upon the authenticated roll of 1880 or on any roll now in the possession of this Commission. By reason of the unsatisfactory testimony, final judgment as to the enrollment of Charles Foreman as a Cherokee Freedman will be suspended and his name will be placed upon a doubtful card.

oooooooooo

George Amos Foreman testified in the application of Sallie Mayfield for enrollment as a Cherokee Freedman, and his testimony in that application is made a part of the record in this case, as follows:

George Amos Mayfield, recalled, testified as follows:

Mr. Hastings: You applied to the Commission for enrollment?

A Yes, Sir.

Q Have you been enrolled on a straight card? A I can't tell you, I applied at Muskogee.

Q Did they reject you? A I don't know whether they did or not.

Q Your name isn't on the 1880 roll? A I think it is.

Mr. Foster: (Attorney for Sallie Mayfield): You go by the name of Bone Mayfield sometimes don't you? A No, sir, just the two names, George Mayfield and Amos Mayfield.

George Amos Mayfield is listed on Dawes Commission rejected card No. 5.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Charles C. Jones

Sworn to and subscribed before me this the 17th of April, 1901.

Commissioner.

3490.

Count Halsey.

"Yes, the Lord of Orange." Tom.

"Brave as the lion of Belgium, but as cautious as the fox of Orange." Tom.

3490.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1901.

In the matter of the application of Charles Foreman for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
I. P. Bledsoe, agent for the applicant;
J. S. Davenport, attorney for Cherokee Nation.

AUSTIN W. FOREMAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: State your name? A Austin W. Foreman.
Q Where do you live, here? A Vinita.
Q How old are you? A I was born in '55, August '55, I am 46 years old.
Q What was your father's name? A Stephen Foreman.
Q Where did your father live at the breaking out of the war?
A Park Hill, Cherokee Nation, about five miles south of Tahlequah.
Q Were you living with your father at the breaking out of the war?
A Yes, sir.
Q Did you and your father leave the Cherokee Nation during the war, leave the Territory? A Yes, sir.
Q Did your father own a slave by the name of Charles at the breaking out of the war? A Yes, sir.
Q Do you know what became of Charles, as to when the war broke out, whether he left the Territory or not? A Charles left us about '62, went with Chief Ross to Philadelphia.
Q Well, when did you and your father return, or did you return to the Cherokee Nation after the war? A We came back here to our place in October, '66.
Q Did Charles come with you? A No, sir.
Q When did Charles return, do you know, with reference to the time that you returned to your home? A Well Charles came back to the Territory after we had gotten home.
Q Well, about what season of the year, if you know, did he come?
A It was warm weather, it was the following season, '67.
Q Following season after you and your father returned? A Yes, sir, we came in October.
Q October, '66? A Yes, sir.
Q Then he came the next season and you say it was warm weather?
A Yes, sir, warm weather, I can't tell just the month it was, but it was warm weather.
Q Do you know with whom he came back? A Well, I don't, he came to our house alone when he came there to see us, visit us.
Q Was there anything said or any conversation with reference to where he was from when he came to your house? A He told us he was from the north, what we called the north, Washington or Philadelphia.
Q What did he say with reference to what time he had returned from the north when he came there? A He had just come.
I. P. Bledsoe: You don't know of your own knowledge whether he was there earlier than that or not? A The first time I saw him after the close of the war.
Q Was he the slave of William P. Ross? A No, sir, he was my father's slave.
Q Well, was he not waiting upon Col. Ross, or someone that was sick at Washington? A Well, that is a question I can't answer because I wasn't in Washington, he went to Washington or Philadelphia with Chief Ross, he came and asked father's permission to drive his carriage, old Chief John Ross.
Q John Ross or William P. Ross? A William P. Ross wasn't chief at that time, it was John Ross.

Q You don't know anything about Mr. Ross giving his transportation back here do you? A I do not.

Q If he came back in the year '66 then you have no knowledge of it? A I do not.

Q The first time you saw him was in '67, that is all you know about it? A Yes.

Commissioner? Had Chief John Ross returned? A Why his body, his corpse came back, he died there and was brought back to this country and was buried.

Q Was Charles back when the remains came back? A Why I think Charles had come to our house several days before.

Q It was about the same time, came your? A Yes, sir, as well as my memory serves me.

Q The remains of the Chief were not brought back till '67? A In '67, I can't say what time the remains were.

Q You don't know what time the remains of the Chief were brought back from Philadelphia or Washington? A No, sir, they were brought back after we came back and we came back in '66, October, and consequently the chief's remainds must have been brought back in '67 or about that time.

Mr. Davenport: In order to refresh your memory, I will ask you if after Chief Ross' death, after he died there if it wasn't after the following Council, if Council didn't meet and provide means for transporting the corpse back at that time? A They did, my father was interpreter at that time and he made the statement at that time.

Q He was temporarily buried there and after Council met and appropriated means, his remains were brought back? A Yes, sir.

Mr. Blevins: This fellow then, as I understand it, really belonged to your father as your father's slave: your father was a Cherokee citizen at that time? A Yes, sir.

Q And he went out there with a man named Ross, just simply to wait on him, and went along as a waiter? A Well, if you want to know the whole thing, I will be as brief as I can: father at that time was scouting because we were Southern sympathizers, and they were there trying to hide my father, and my father was in a cornfield at the time: Charles came there with one of my brothers and they came there to see how we were, how father was, and my brother left Charles at the back of the patch holding his horse and he slipped through the orchard to see if father was alive, and he got back to his horse and Charles was gone, and so he went on south, that is, my brother did. The next morning Charles came and asked my sister if he could see my father. We had implicit confidence in him, and she says, yes you can see him any time, and she told him where father was, and Charles went to him and father told Charles, he says, Charles you can go so far as I am concerned, you are a free man, and Charles says, Mr. Foreman as I will not leave you, but he says, they arrested me, I started down the road to see how you were and I run across some soldiers and they took me down to Chief Ross and put me under guard and this morning they let me loose and Mr. Ross wants me to drive his carriage to Fort Scott. Charles was our carriage driver, and Mr. Ross told him he wanted him to drive his carriage up to Fort Scott, and Charles asked father if he would allow it, and father told him he would. Another incident: father gave him $5 to get a pair of shoes. Charles was gone them so many years till after the close of the war, and he never brought the shoes with him. He afterwards told us that when he got to Fort Scott the reason he couldn't come back Mr. Ross wouldn't let him come back, and he got him that far and he says, Charles, you just go on with me and be my waiter up in Washington, and he took him on to Washington.

Walter C. James, being duly sworn, says that as stenographer to the Commission to the five civilized tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to and subscribed before me this the 19th of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR

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DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 4 1902

To be filed with - D. R. #30

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D. R. D-84.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS ON BEHALF OF CHEROKEE NATION, in the matter of the application of Lewis T. Brown for enrollment as a Cherokee Freedman.

Appearances:
Applicant in person;
L. D. Bell, of attorneys for the Cherokee Nation.

BY MR. BROWN: Applicant objects to the introduction of any testimony tending to disprove his citizenship, for the reason that he is the descendant of a person whose name appears upon the authenticated roll of 1880, and that the decree of the United States Court of Claims of date February 3, 1896, and number 17, 290, under which this Commission is making a roll of Cherokee Freedmen, strictly forbids the introduction of and testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880, and their descendants.

BY COMMISSION: The objection of the applicant is hereby noted, and the testimony will be taken.

PLEASANT N. BLACKSTONE, being first duly sworn and being examined, testified as follows:
BY MR. BELL:
Q Give him your name? A Pleasant N. Blackstone.
Q Your residence? A Live in Muskogee now.
Q Age? A I am about 60 years old.
Q Were you ever a resident of the town of Fort Gibson, Cherokee Nation? A Yes sir.
Q When? A From December '66 until about, I stayed there three years, I can't be exact as to the exact time, but about three years.
Q What were you doing there, what was your business? A Well I first worked for the quartermaster a little while there, and then I worked for Mr. F. H. Nash there in the merchantile business; worked there nearly three years.
Q About what was the population of that town then? A About a baker's dozen.
Q Leaving the soldiers out? A About a baker's dozen; there was not many, but a small town.
Q Was there a barber shop in Fort Gibson when you stayed there? A Yes sir, I think so.
Q Who had it? A First barber shop I remember there was Henry Scales and a fellow named Charles Foreman; that was when I first went there, they were running a shop there, and later on I believe there was another shop by the name of Andy Harrell.
Q How long did Andy Harrell run his shop there? A I don't know, I think he was killed sometime during the next summer or fall, of '67.
Q Well he quit running it then did he? A Yes, I think he quit running it, yes sir.
Q Did you know who followed Andy Harrell, in that shop? A I think it was a fellow named Bill Brown.
Q Bill Brown, was he a Freedman Cherokee or a white man? A He was a Cherokee Freedman I heard, he always claimed to be.
Q Did you have any particular acquaintance with him? A Yes, I knew him for a while.
Q Was he the William Brown that is the uncle of this Martha Coles that lives in this town, or a relation of hers? A I don't know that.
Q Are you acquainted with Pump Brown? A Yes sir.
Q Was he Pump Brown's uncle? A I understood so, I don't know it,

of my own knowledge.
Q Now I will ask you did this Bill Brown run a barber shop in Fort Gibson in '67? A No sir.
BY LEWIS T. BROWN:
Q I will ask you if Pomp Brown was in Fort Gibson in the fall of '66? A I don't know, I don't think so.
Q Do you swear he was not there? A No, but I never saw him, nor never heard of him.
Q There were possibly a great many people that you didn't see, and never heard of were there then? A It was a small place, and I would have been apt to see them or get acquainted with them.
Q You knew every colored person that was in Fort Gibson in '66? A I think I knew everybody there.
Q Did you know everybody there? A I guess I did.
Q I want to know whether you swear positively that you did? A No, I won't swear that.
Q Now you stated in answer to Mr. Bell's question, that there were about a baker's dozen there; now name this dozen that were there in '66? A Well I aint going to try that.
BY COMMISSIONER: Can you do so, Mr. Blackstone? A No, I couldn't tell it that way.
BY BROWN:
Q You say that you knew everybody that was there? A Yes sir, I did I think.
Q That was about a dozen there? A Oh there was more than that, I didn't know the soldiers.
Q Isn't it a fact that there were as many as three or four hundred negroes around there during the year? A I don't know how many there was around there, there was a good many there that was there; it was a small place, I don't know how many.
Q Isn't it a fact that there were as many as three or four hundred? A No, I don't know that.
Q You won't swear that there was that many? A No, I want swear there were or wasn't.
Q You didn't know all the colored people in town? A I think I knew pretty near every colored man in town.
Q Did you know all of them? A No, I want say that.
Q Now Mr. Blackstone, when did you first see Pomp Brown? A First time I remember I ever saw Pomp Brown was here in this town.
Q What year was that? A I don't remember, but he was here, barber.
Q How long was it after you left Fort Gibson? A Oh I left Fort Gibson in '69 or '70, I want be certain which; '70 I guess.
Q It was in '70 you saw him? A No no.
Q When was it you saw him the first time? A After I lived here in the town.
Q How long was it from the time you left Fort Gibson until you saw him? A It might have been five or six years.
Q Then if you left there from '69 to '70, you somewhin in '74 or '5? A I didn't say that either. I didn't live here; I lived on the river, four or five years before I came here.
Q About what year was it when you first met Pomp Brown? A I can't place the years, but it was after I moved to town, I moved to town, I moved here in '93, and it was after I came here.
Q You moved to Muskogee in '93? A Yes sir.
Q And Pomp Brown was here after you moved to Muskogee? A That is the first time I ever saw him.
Q That is the Pomp Brown you were talking about? A Yes, the one that was killed up here in this stable.
Q You are positive that you moved to Muskogee in 1893? A Yes sir.
Q And it was after that time you saw Pomp Brown? A No, I moved here in '93 I guess.
Q Now which is it, '93 or '93? A '93.
Q How long was it then from the time you moved here until you saw Pomp Brown? A Oh I don't know.
Q About how many years? A I don't know.

Q Give us your best judgment? A Oh I couldn't tell you; I can't try.
Q I want you to give us some kind of an estimate? A After I moved here he was a barber here, I don't know how long he had been here or anything about it; he was here when I first moved here, but after that he moved here.
Q How long after that was it? A I don't know.
Q As much as four years? A It might have been, and it might have been one year, I don't know.
Q That as near as you can come to it? A Yes sir.
Q You are positive you moved here in 1866? A Yes sir.
Q You say some time from the time you moved here in '66 until Pomp Brown came here and ran a barber shop there he was established in the city of Muskogee.

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A I don't know whether he ran a barber shop there he was killed here or not; I forget; he ran a barber shop in Vinita.
Q Did he run a barber shop in Muskogee any of the time from '66 down to when he was killed? A Yes sir.
Q You swear to that do you? A Yes sir, in the summer.
Q It was after 1866? A I think so, yes sir.
Q You are positive that it was after you came to this country? A Yes sir.
Q That is, to Muskogee? A Yes sir.
Q You came here in 1866? A Yes sir.
Q And this Pomp Brown ran a barber shop in Muskogee before 1866? A Yes sir.
Q In the fall of '66 there were a great many colored people coming to Fort Gibson? A I didn't see a great many.
Q Did Pomp Brown come? A I never saw him.
Q You are going to swear positively that Pomp Brown was not there in '66? A I am going to swear I never saw him.
Q Will you also swear positively that Bill Brown didn't run a barber shop in Fort Gibson in the fall of '66? A Yes sir, I will swear that he was not there.

BY MR. HALL:

Q Your business was clerking in the dry goods stores there was it not? A Yes sir.
Q People of the town trading in there? A Yes sir.
Q And that was your means of knowing these folks? A Yes.

BY [illegible]: Wait a minute; you are asking for conclusions.

F. M. HAHN, being first duly sworn, and being examined, testified as follows:

BY MR. HALL:

Q Give him your name, Mr. Hahn? A F. M. Hahn.
Q Postoffice? A Fort Gibson.
Q Your age? A 66.
Q How long have you resided in Fort Gibson? A About 40 years.
Q Were you in that town in 1866? A Yes sir.
Q What was your business there? A Merchandising.
Q Was there a barber shop run in that town during the year '66 that you recollect of? A Best of my recollection there was, yes sir, '66 and '68.
Q Do you know who owned the shop? A Andy Harrell, that is the best of my recollection.
Q Do you know the barbered for him? A Well it strikes me a man named Charley Foreman;[illegible] up.he didn't run it himself, but to the best of my recollection Charley Foreman run it.
Q Now I will inquire of you if you was acquainted with one William Brown, a colored man, who did run a barber shop in Fort Gibson? A Yes sir, he afterwards moved to Muskogee, I think.
Q He is dead now is he? A Yes sir, so I have been told.
Q When was it he run a barber shop in Fort Gibson? A It was after Harrell was killed I think, to the best of my recollection.
Q And when was Harrell killed? A It was, I will not be positive, but it was either in '67 or '68, it strikes me though it must have

been '66, early in '66, it was either '67 or '68.
Q During the year 1866 did you see anything, or was Bill Brown running a barber shop in the town of Fort Gibson? A Not that I recollect of it at all; I have no knowledge or recollection of it.
Q How far was this shop of Harrell's from your place of business?
A Oh it was probably a hundred yards or such a matter; I don't remember exactly now; it was across the street though, it strikes me. Had a shop at one time on the same side of the street, and then afterwards across the street; it strikes me it was across the street.
Q Did you have any work done for yourself in that barber shop? A Yes sir, I have been shaved there.
Q You didn't see Bill Brown in the year '66 shaving there? A No sir, not that I recollect.
BY LEWIS F. BROWN:
Q When did you first become acquainted with Bill Brown? A It was after he went into the barber shop business; after Harrell was killed.
Q When was that? A '67 or '68, I am not positive.
Q If this man Harrell was killed on the third day of March, 1866, then Bill Brown ran a barber shop after '66 did he? A It was after Harrell was killed I think, I don't remember when Harrell was killed; I see you have got the date, I guess it was about '66.
Q Now Mr. Nash, was Bill Brown in Fort Gibson in the year '66?
A Not that I remember; I have no recollection of it.
Q There were a great many people around there at that time, were there not? A Yes sir, not a great many.
Q There was more than a baker's dozen, wasn't there? A Oh yes sir, there was soldiers there.
Q There were as many as three or four hundred colored people around there? A Yes sir, I suppose there was.
Q You were in business there at that time, as other merchants were? A Yes sir.
Q You didn't try to keep any record there as to when people came and went out? A No sir.
Q Nor do you propose to state the exact year that some man ran a barber shop in Fort Gibson some 36 or '6 or '7 years ago?
A No sir.
Q You are only testifying as to your best recollection? A That's all.
Q You can't swear positively that Bill Brown was not there in Fort Gibson in '66 can you? A No sir, I can't.
Q Did you know Pomp Brown during his life time? A Old Pomp?
Q Yes? Yes sir.
Q When did you first get acquainted with him? A Before the war. No, I am thinking of Pomp Thompson; I don't remember Pomp Brown; I might know him if I was to see him, but I don't remember him.
Q You wont swear that he was not there in the fall of '66? A No sir, I couldn't swear he was or he was not.
Q Nor do you swear positively that Bill Brown was [illegible] running a barber shop there in '66? A My impression is that there was but one shop, run by Andy Harrell; and Bill Brown bought it after Andy Harrell was killed.
Q That has been about 36 years ago? A Yes sir.
Q And your memory is not clear entirely on that point? A It is as clear as anyone else's I expect could be.
Q You wont attempt to swear that he did not run a shop there in '66? A No sir, but I don't think he did, to the best of my recollection he did not.
BY MR. HALL:
Q You were asked the question if there was not three or four hundred colored people around there; do you mean in the town, or in the country around there? A Oh scattered out in the country; they were there,- the cholera was I think in '67 was it not; there was a great many colored people and the cholera was so bad that they

commanding officer moved them to Fort Mile Branch, gave them tents to live in and rations to eat and burned up their cabins, and there were them very few about Fort Gibson from that on until quite a length of time and most all of the colored people moved out of Fort Gibson in '67, and that makes me believe more firmly yet that there couldn't have been one barber shop there, because there were not many colored people in Fort Gibson in '66; they had moved out.

BY BROWN:

Q And that is why you testify as you have? A Yes sir.
Q You didn't own the only store in Fort Gibson in '66 did you?
A No sir.
Q Well Wip Plemmons used to work for you there? A Yes sir.
Q And his duties were at your store and not at somebody elses' store?
A Oh I guess he was in somebody's else store too; I don't suppose he confined himself strictly to my store; and he worked for the Government before he worked for me, in the quartermaster's department, some six or eight months I think.

McCOY SMITH, being first duly sworn and being examined testified as follows:

BY MR. BELL:

Q What is your name? A McCoy Smith.
Q What is your residence? A Canadian District.
Q Age? A 58.
Q Where were you in 1866? A Over here on Canadian until the latter part.
Q Did you live about Fort Gibson in '66? A I came in November '66.
Q What time in November if you recollect? A About the first.
Q Do you know who was running a barber shop there in November, 1866? A Andy Murrell.
Q During that month of November, 1866, did you ever see one William Brown, Freedman, in that shop, running it? A No sir, never did.
Q Well did he run that shop any time after you came there during the year 1866? A I never saw him there until, oh it was 4 or 5 years after that before I saw Bill Brown there; I don't know exactly when it was, but it was 4 or 5 years after that.
Q Well you knew William Brown did you? A Yes sir.
Q Was he Pomp Brown's uncle? A I didn't know Pomp Brown.
Q Do you know what became of that William Brown? A I understood he died here at Muskogee.
Q He moved away from there and came to Muskogee did he? A Yes sir.

BY BROWN:

Q You state now Mr. Smith that Andy Murrell ran a shop there in November, '66? A Yes sir.
Q How long did Andy Murrell run that shop? A Until I think about '68 when he was killed.
Q Then he sold out did he, to who? A I didn't know he sold out to anybody; I think that Henry Scales and Charley Foreman I think run the shop after that.
Q Now your recollection is Andy Murrell run the shop and sold out to Henry Scales? A No I didn't say he sold out.
Q Well Henry Scales run the shop after Andy Murrell? A Yes sir.
Q When did you first see Bill Brown in your life? A That was about, oh I don't recollect exactly when it was.
Q About what year? A It must have been about 668 or '69, or '70, I saw him down there at Gobson.
Q What was he doing there? A He wasn't doing anything when I saw him.
Q That is the first time you ever saw him in your life? A No, I knew him before the war.
Q How the first time you ever saw him after the war was in '69?

A Yes, somewhere along that time, '69 or '70.
Q There were a great many colored people around Fort Gibson in '66 and '7 and '8? A Yes sir.
Q It was impossible for you to know all of them? A It was impossible for me to know all of them, and a heap of them I never did know.
Q Pomp Brown might have been there in '66 and you not have known it? A Yes, he could have been there and I never did know him.
Q All that you know about it is that some man ran a barber shop, named Andy Murrell, there in '66? A Yes sir.

SALLIE LOVING, being first duly sworn and being examined testified as follows:
BY MR. HASKINS:

BY BROWN: I would like for the record to show that during the examination of the three former witnesses this witness was in the room.
WITNESS: I was standing there by your lawyer at the door; I supposed you can prove it by him; he will tell you I was standing there by him, giving him a pointer too.

BY MR. HASKINS: Did you hear the statement of those other witnesses? A I didn't hear it.
Q What is your name? A Sallie Loving.
Q What is your age? A I was born in '61, in March.
Q Did you ever know a colored man named Pomp Brown? A Yes sir.
Q Where did you know him? A In Fort Scott; I went to school with him.
Q When was that? A In the sixties.
Q Well did you know him after that? A I knowed him in Humboldt. He was running a barber shop in Humboldt, and I went there in '69 and I left there in '72, and he was still running a barber shop.
Q Did you leave him there? A Yes sir.
Q Do you know Martha Galen? A Yes sir.
Q Where did you know her? A In Fort Scott.
Q When? A In the sixties.
Q How long did you continue to know her? A Up until she left there in about '84.
Q Did she live there all the time up until 1884? A I never missed her out of the town while I was there.
Q Did you know Susan Brown? A Yes sir.
Q Where did you know her? A Went to school with her.
Q Where at? A Fort Scott.
Q Did you know their mother? A Aunt Ibbie?
Q Yes. A Yes sir.
Q How long did you continue to know Susan Brown in Fort Scott? Q A I left here there in'69 and when I come back in '72 she was still there.
Q Between '69 and '72 you were at Humboldt? A Yes sir.
Q And there you knew Pomp Brown? A Yes sir.
Q Did you know Bill Brown? A Slightly; he left there before I got acquainted with him much.
Q You don't know just what time he left? A No, I don't know.
BY BROWN:
Q How old were you Mrs. Loving when you left Fort Scott? A I was going into nine years old.
Q And how long did you remain away from there, you say? A From '69, I went there and stayed until '72.
Q Now then you say you went to school with Pomp Brown? A Yes sir.
Q During what years? A In the sixties. School started in I think '68, and I went to school until I left there in '69; he was a big fellow; what you would call a young man. Well he was a man, looked more like you.
Q That is the Pomp Brown you talk about? A Yes, that is the Pomp Brown.
Q When did you say you returned back to Fort Scott? A '72.

Q And at that time you say you left Pomp Brown at Humboldt, Kansas running a barber shop? A Yes sir. From there he either went to Shanute or Yates I don't know which.
Q Or the Cherokee Nation? A No, I don't think he went to the Cherokee Nation until later on.
Q You don't know when he went to Humboldt? I don't know, he was there when I got there in '69.
Q When did he leave Fort Scott? A He must have left sometime in '68 or sometime I think along there.
Q You say you don't know when he left, but you found him in Humboldt, now when did he leave Fort Scott? A He might have gone on one train and me on another.
Q When did he leave Fort Scott that is what I want to get out? A I left there in '69. I don't know when he left.
Q You don't know where he went when he first left? A No, I don't know.
Q He might have gone to the Cherokee Nation when he first left? A Yes, he might have.
Q You wont swear that he didn't? A No, I am not swearing only to what I know.
Q Well now in November 1868 where was Pomp Brown? A He must have been in Fort Scott.
Q How do you swear positively as that he was? A Yes, I have no other reason to say so, because I never went to school over three years, hardly three.
Q About how old were you in '65? A I was past four years old.
Q You went to school then when you were four years old? A Yes sirr, I was lots smarter than lots of young ones now eight or ten, from all accounts I can get.
Q When did you quit school? A '69.
Q You went to school four years then? A No.
Q You started in '65 and quit in '69? A Well in that neighborhood; I said two or three years, three or four years, yes.
Q I believe you stated in another case that you were married when you were 12 years old? A Yes sir.
Q Now how long was it from the time Pomp Brown left Fort Scott until you were 12 years old? A What.
Q How long was it from the time Pomp Brown left Fort Scott until you were twelve years old? A Well I was 12 years old when I was 12 years old; I left there in'69, I come back, I was past ten when I started to come back home, past eleven.
Q What I am trying to get at is this: understand my question; how long was it from the time that Pomp Brown left Fort Scott, until you were 12 years old? A I don't know the time that he left there, I say. I am telling you where I found him at; I don't know what time he left there; I knew he was there; I knew he went to school; I don't know how long he went to school.
Q He didn't go to school all the time with you? A I don't suppose he did. I had to help my mother also half a day and go the other part of the day.
Q He might have left there in the fall of '66 and you not known it? A No, I don't think he did, I don't think he left there in '66. I couldn't positively say what year it was he left there.
Q You say you and he went to school together? A Yes sir.
Q He didn't go to school all the time that you did? A He was living there and I think, I don't know when he left.
Q When he was not going to school where was he? A How did I know.?
Q You wouldn't swear he was in Fort Scott when he was not going to school? A He was liable to have been-
Q Liable to have been anywhere else as there? A Yes for a short little time.
Q Well so it is a minute? A Yes, so it is '66, I see what you are at.
Q From '69 until '72 you were away from Fort Scott, and lived in

Humboldt, Kansas? A Yes sir.
Q Pomp Brown was there then? A Yes sir.
Q Now I want to again ask you how long was it from the time Pomp Brown left Fort Scott until you were 12 years old? A I don't know without taking time to count up.
Q Please take time, take all this evening. A I don't have to. I was 12 years old when I was 12 yes.
Q How how long is it? A I am liable to be 4 or 5 years older than that; I was only told by my mother's young master, I was liable to have been older, I couldn't ahave been any younger; I am counted in the State of Kansas the youngest mother, and the youngest grandmother.
Q Please answer my question? A -
BY COMMISSION: Can you answer the question?
BY MR. HASTINGS, of Attorneys for Cherokee Nation: That is objected to by the representatives of the Cherokee Nation, and as not being proper cross examination.
A Not without I take time to count it up I say; I left there in June, 1869, and when I went to Humboldt he was there.
BY COMMISSION:
Q When did you last see Pomp Brown before he went away? A Oh must have been two or three months before he was killed.
Q How long before you left Fort Scott did you see Pomp Brown? A I don't know. It might have been two years and it might have been one.
Q You have absolutely no idea how long it was? A No sir, I know it was in that time that he was there.
BY BROWN:
Q You were only five years old in '65? A From the way I count it, yes sir.
Q You know your age? A I don't really know it, I havn't got my age down; I was only told I was that old; I am liable to be elder. I couldn't be younger. I have got a pretty good memory for a child of that age. The folks at home say so, that's all I have got, somebody's word.
Q In reference to the time that Martha Gales left Fort Scott is not it a fact that when you went away from Fort Scott in '69 and after you returned in '72 that Martha Gales was not there? A She was in Fort Scott.
Q After you returned from Humboldt. A Yes sir.
Q After '72. A Yes sir. She run a barber shop just across the street from Vanberger's Clothing Store; her husband, Ed Henderson, run a barber shop; she shaved along by the side of him; every old settler in this house knows that.
Q Did she live there continuously from '72 until '84? A Without she was gone while I went in '72.
Q Then if Jerry Alberty testified that he saw her and Pomp Brown in Fort Gibson in '74 he might have been mistaken?
A I know she went on a visit.
Q She might have been gone as much as a month? A Yes sir, might, I don't know.
Q When you were five years old might she not have been gone a month or two? A Yes, that is what I say, shemight have been gone for a month.
Q When you were five years old might not Pomp Brown have been gone a month or such a matter? A Yes sir.
Q All these things are possible? A Yes sir.
Q You are the same lady who testified in the case of Becky Webber are you not? A Yes sir; I can't make no dates, because-
Q Go ahead, what did you start to say? A I don't know what I was going to say; you asked me didn't he go away and stay a week; I couldn't tell what year nor what month he went away; I don't remember; I missed him out of there, missed your Mat Gales out of there; I don't remember the girls.

BY [illegible]: I would like to have a copy of the testimony of this witness in the case of Henry Chaney, et al, and a part of the record in the case of Mary Louise Baker, June 2 35, known as 3 and 3 3/4 File 1, Hill.

BY [illegible]: The testimony in this case will be made a part of the record in the [illegible] cases 3 35, 3 36 and this case 35 Mar.

I, W.D. Crum, do hereby certify that I am a stenographer in the employ of the Civil [illegible] Service Commission and that the foregoing [illegible] in this case [illegible] and complete transcript of my stenographic notes thereof.

(s) W. D. Crum.

I, A. R. Glover, do hereby certify that the foregoing is a true transcription to the Commission to the Five Civilized Tribes [illegible] and that the same is a true and complete copy of the original manuscript.

A R Glover

1090

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Cherokee F D 90

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

In the matter of the application of Charles Foreman for enrollment as a Cherokee Freedman.

Appearances:
Mr. I. P. Bledsoe, agent for the applicant;
Mr. W.W.Hastings, of attorneys for the Cherokee Nation.

BY COMMISSION: It is directed that the testimony had on this day in the matter of the application of Lewis T. Brown to-wit: that of McCoy Smith, and F. E. Nash, be filed with and made part of the record in this case, showing that Charles Foreman arrived in the Cherokee Nation in the year 1866, and was a barber in Fort Gibson, at that time.

BY MR. HASTINGS: The representatives of the Cherokee Nation desire, call attention to the fact that it is not identified as being this same Charles Foreman, the applicant.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this March 4, 1902.

Commissioner.

R.D. 70.

Freed. D-66.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of Charles Foreman for the enrollment of himself as a Cherokee freedman.

Applicant appears by Pledger & Pledger: testimony in behalf of Applicant; Cherokee Nation by J. S. Davenport.

Applicant appears on the Wallace Roll of Cherokee freedmen on page 112, No. 2078, as Charles Foreman.

Charles Foreman, being sworn and examined by the Commission, testified as follows:

J. P. Pledger: What is your name? A Charles Foreman.
Q How old are you? A About 50.
Q Are you a Cherokee freedman? A Cherokee freedman.
Q Did you ever draw any money? A Yes, I drawed once.
Q What money was that you drew?

J. S. Davenport: I object to that because the pay roll will show it and to whom it was paid.

Q Do you know when you drew the money? I will ask do you know of any other Charles Foreman as a Cherokee freedman besides yourself? A No sir.
Q How long have you lived in the Cherokee Nation? A I was raised here in the Cherokee Nation.
Q You have known of no other Charles Foreman besides yourself? A No sir.

J. S. Davenport: Do you know of any other Charles Foreman either a white man, colored man or Cherokee? A Never knew of any other Charles Foreman.

Q Why didn't you answer Mr. Pledger's question how long you had lived in the Cherokee Nation? A Didn't I answer it?
Q You said you were raised here? A You can put that to my ignorance.
Q How long have you lived in the Cherokee Nation? A I was raised there.
Q I was raised in the state but I never lived there all my life, how long have you lived in the Cherokee Nation is what I want to know? A Ever since I can recollect.
Q What part of the Cherokee Nation? A Park Hill.
Q How far do you live from Park Hill now? A I don't know how far it is from here, it is fifteen miles from Fort Gibson to Park Hill.
Q Where do you live, how far from Park Hill, is it two miles or three? A I don't know exactly how far.
Q Where do you get your mail? A I get it down at Checotah.
Q You don't live anywhere near Park Hill now? A No sir.
Q How long did you live in the neighborhood of Park Hill? A It has been several years ago.
Q You haven't lived in the neighborhood of Park Hill since the war? A Yes, I lived at Fort Gibson.
Q With whom have you lived since the war near Park Hill? A I lived at Fort Gibson.
Q Before the war with whom did you live? A At Park Hill.
Q With whom did you live? A Stephen Foreman.
Q That was Mr. Foreman's father, Webster Foreman? A Yes sir.
Q Does he know you belonged to his father before the war? A Yes sir.
Q Did you have him testify to that? A I have never seen him.

A-Charles Foreman-

Q Did you ever have him? A I don't know where he has been living.
Q You have lived in the Cherokee Nation since the war? A Yes sir.
Q And you didn't know where Mr. Webster Foreman was living? A He was living about here.
Q You know he was living at Vinita? A Yes sir.
Q The Commission sat there twice for the purpose of making the freedmen roll? A Yes sir.
Q And you didn't go there to speak to him about it? A I never got to see him; the sametime I was sick.
Q You know his sister Mrs. McClennan lived at Claremore? A Yes sir.
Q And you didn't get her to testify for you? A I wasn't able to go and get her.
Q Where did you make your application to be enrolled? A The first place I enrolled was at Tahlequah.
Q But this time where did you apply to the Commission to be enrolled? A At Fort Gibson.
Q You went from Chocotah to Fort Gibson? A Yes sir.
Q You never wrote a letter to have Mr. Foreman or his sister Mrs. McClennan to testify for you? A No sir, I don't write.
Q You had an attorney to represent you? A I never had anybody to tell me anything about it.
Q You had an attorney, Mr. Nicolson and Watkins were representing you? A Yes sir.
Q Did you tell them that your young master and mistress was living at Vinita and Claremore? A He said the young man lived there.
Q They knew you before the war? A Yes sir, because I nursed them.
Q You went out of the nation during the war didn't you? A I went with W. P. Ross.
Wasn't that before the war? A The time of the war.
Q War had been declared had it? A Yes sir.
Q You belonged to Stephen Foreman? A Yes sir.
Q You are the fellow that went out and came back before the war and came back with a peculiar pair of shoes, you are the fellow? A Yes sir, I am the fellow: he gave me five dollars and I brought them to him.
Q You went with Chief John Ross when he went to Philadelphia? A Yes sir.
Q How long did you stay up in Philadelphia after you went there? A I went there in '61 and came home in '65.
Q Did you come home before or after Chief Ross' death? A I went with William P. Ross.
Q Did you come home before or after the remains of Chief John Ross was brought back to the Cherokee Nation? A His party came before I did.
Q It came by the way of Fort Scott, Kansas, and was brought down from there and you came back to your home place after his remains were brought to the Cherokee Nation? A Yes sir.
J. F. Hastings: Did you understand that last question of his, of Mr. Davenport? A About what?
Q About when you came back here from Washington? A I can't recollect good but it was in '66 when I came here.
Q Did you leave Chief Ross in Washington and come to this country? A I am short remembrance, I don't remember.
Q You stated in your former statement that you came here that Chief Ross gave you the money to come home on? A By W. W. Hastings: (He didn't state that.)
Q What did you do when you first came back to the nation? A Worked in the Barber Shop.
Q Where did you work in the Barber Shop? A At Fort Gibson.
Q Who was living at Fort Gibson when you run that barber shop, who did you shave? A Mr. Nash, Easton Benge, and all of them.
Q Jack Smith was there also? A Yes sir.
Q Then you came back to the Cherokee Nation in '66?
J.S.Davenport: I object to that question as being leading and he cannot put such questions to him.

Charles Foreman.

Q Where have you been living for the last few years? A At Gibson.
Q Where are you living now? A I am living near ——.
Q Is the Cherokee Nation or Creek Nation? A In the Creek Nation.
Q Are you living in the Creek Nation? A My wife is a Creek citizen.
Q She has a right in the Creek Nation? A Yes sir.
Q Have you got any place in the Cherokee Nation? A I have a place picked out.
Q You have never voted or exercised the right of citizenship in the Creek Nation have you? A No sir.
J. S. Davenport: Have you got an place picked out in the Creek Nation? A No sir.
Q You don't own anything in the Cherokee Nation, you don't own any ranch? A No sir, only just a farm I have picked out.
Q You have one there if some feller will trade it honest? (No response).
Q What year is this? A I am no reader.
Q What year was the Wallace Roll made? Do you know? A No sir.
Q The Keen Clifton Roll? A No sir.
Q Do you know what year you were married? A No sir.

Joseph Johnson, being sworn and examined testified as follows:
By Mr. Blakney: What is your name? A Joseph Johnson.
Q How old are you? A 31 past.
Q Where do you live? A About three miles west of Gibson station.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Upon the 1880 roll? A Yes sir.
Q How long have you known Charles Foreman? A I have known him about 15 or 20 years and may be longer than that: I don't remember.
Q Do you know whether he ever drew any money or not? A I knowed he drawed that Wallace money.
Q How do you know that? A Because we went down together at the payment at Muskogee.
Q You saw him draw it? A Yes sir.
Q Where is he living now? A I don't know.

Joshua Rees, being sworn and examined, testified as follows:
By Mr. Blakney: What is your name? A Joshua Rees.
Q How old are you? A 68.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q How long have you known Charles Foreman? A Fifty years.
Q Have you known him as a Cherokee citizen? A I knew him as a Cherokee freedman.
Q Where is he living, Mr. Rees? A In the Creek Nation.
Q Why is he living in the Creek Nation?
J. S. Davenport: I object to it because the fact that a man who married a Creek woman does not compel him to live in the Creek Nation.
Q Do you know whether he ever exercise the right of Creek citizenship? A No sir.
Q He never claimed the right of Creek citizenship?
J. S. Davenport: I object to that because the laws would not give him the right to that.
Q Have you always visited him ——?
J. S. Davenport: I object to it because the views of a question would not affect his rights and would be immaterial.
By Blakney: Do you know of your own knowledge whether this man is a recognized Cherokee freedman? A I simply know he is a Cherokee freedman.
Q Do you know whether he has ever been recognized, of your own knowledge? A No sir, I do not.
By Blakney: Do you know whether he ever drew the Wallace money or not? A No sir.
Q Do you know of any other Charles Foreman in this country? A No sir.

C. Charles Foreman

A. A. Sweetser: This Charles Foreman was a slave of Stephen Foreman and Webster Foreman is the son of his? A Yes sir.
Q Charles went out before the war with W. P. Ross? A Yes sir.
Q What relation are you to Chief John Ross? A He is my uncle.
Q Do you know when he died? A He died about the time they made the treaty of '66.
Q When was his remains brought to the Cherokee Nation? A In 1867 I think.
Q I will ask you as a matter of law and record, wasn't that appropriation made in the council of November, '66 providing for his remains to be returned to the Nation and was returned the following spring? A Yes sir.
Q That would have been in the spring of '67 when his remains were brought here? A Yes sir.
Q What relation was W. P. Ross to you? A He is my cousin.
Q Do you know whether W. P. Ross brought the remains of John Ross back to this country when it was returned? A Yes sir.
Q Is W. P. Ross living or dead? A He is dead.

Statement of William P. Ross found on page 203 in the case of Willis Martin vs. Cherokee Nation found in Register of evidence before the Court of Commission known as the Chambers Court, Book A.

"Statement of William P. Ross who being says I was living in Fort Gibson in 1867. The cholera broke out here about from the 23rd to the 26th of June of that year. I brought the remains of John Ross, late chief, from Washington some time in May of 1867 before the cholera broke out.

Will P. Ross.(signed)

April 24, 1872. Attest J. A. Scales, Clerk."

Mr. Hastings: Now comes the agent for the applicant and objects to the same from the simple fact that it is impracticable and it is not right under the laws from the simple fact we had no right to interview the witness in this case cross-examined in the evidence. We have oral testimony which clearly shows the residence of the applicant in '66.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings had in the case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenburger

Subscribed and sworn to before me this 11th day of June, 1903.

Notary Public.

Cherokee Freedmen D 90.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles Foreman for enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on April 17, 1901, Charles Foreman appeared before the Commission at Fort Gibson, Indian Territory, and made application for his enrollment as a Cherokee Freedman. Further proceedings were had in the matter of said application at Vinita, Indian Territory on October 3, 1901. A copy of the supplemental testimony taken at Muskogee, Indian Territory, on March 5, 1902, in the matter of the application of Louis T. Brown has been filed herewith and made a part of the record herein.

The evidence in this case shows that, at the beginning of the rebellion and up to the time of his emancipation, Charles Foreman was the slave of Stephen Foreman, a Cherokee citizen; that he was taken out of the Cherokee Nation during the war, and that he did not return thereto until after January 19, 1867. The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Charles Foreman for enrollment as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this 10th day of March, 1902.

Cherokee Freedman D 66.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Tahlequah I. T. October 16th 1905.

Argument in behalf of the Cherokee Nation.

In Re:

Application for the enrollment of Charles Foreman, as a Cherokee Freedman.

The testimony in this case shows that the applicant Charles Foreman was a slave of Stephen Foreman, a Cherokee citizen prior to the war; that he was taken out of the Cherokee nation during the war, that he went with Chief John Ross to Philadelphia. The two points involved in this case are:

1st. Does the testimony show that he returned and permanently located in the Cherokee Nation prior to January 19, 1867 and therefore qualified under the treaty of July 19th 1866.

2nd. If he did not qualify under the treaty and return within the time prescribed by the said treaty whether or not the facts in his case are sufficient to excuse him for a non compliance with the treaty.

The applicant himself testified that he was about fifty years of age, that he was a slave of Stephen Foreman, that he went to Philadelphia as a waiter with the family of William P. Ross; on being recalled he testifies, not as the Honorable Commissioner of Indian Affairs states in his letter: "That he was in the Cherokee Nation when they brought John Ross's body back for to be buried" but he states positively that he was not in the Cherokee nation when they brought Chief John Ross's body back to be buried in the following language:

" Q Were you here when they brought John Ross's body back here to be buried?"

"A He came about a month before I came I reckon."

"Q- When they brought John Ross's body back here about a month before you came?"

"A- Yes Sir."

This was an important event in the nations history, John Ross had been Chief of the Cherokees for about thirty years and Cherokee history related that he died in Washington D. C. on August 1, 1866 and that he was dangerously ill while the treaty of 1866 was being negotiated and the testimony of William P. Ross introduced in thiscase, but not referred to for some reason by the Honorable Commissioner of Indian Affairs, on May 31st 1901, on the last page of the testimony is as follows:

"I was living in Fort Gibson in 1867, the cholerrhea broke out here about from the 25rd to the 26th of June of that year, I brought the remains of John Ross, late Chief from Washington some time in May of 1867 before the Cholerrhea broke out."

Here is the testimony of a distinguished relative of John Ross and a man who succeeded him to the Chieftainey of the Cherokee Nation.

We submit that Charles Foreman and his witnesses Amos Mayfield and Daniel Reach may be mistaken as to dates but certainly Charles Foreman is not mistaken when he testifies that John Ross's remains were brought back to the Cherokee Nation about a month before he (Charles Foreman) returned, as this was a most important event in Cherokee History and one that Charles Foreman would likely have remebered because he had been a waiter in the families of John Ross and William P. Ross since 1862.

Again he must have returned too late or in the spring of 1867 because Cherokee History finds that John Ross died on August 1, 1866 and Charles Foreman says that he returned in the Spring, then he could not have returned in he Spring of 1866 because at that time John Ross was not dead. In his direct statement the following questions were asked:

"Q What time in the year was it?"
"A It was in the Spring."
"Q In the Spring of 1866?"
"A yes sir in the Spring."
"Q About what month?"
"A I dont know exactly, it was in 1866, the trees was all budding out"
Now by referring to the testimony of the young master of the applicant, Austin W. Foreman he swears that he and his family returned to the Cherokee Nation in October Of 1866 and that Charles Foreman returned to the Cherokee nation the following season or spring. Now the Commissioner of Indian Affairs must be convinced that the young master came back in October of 1866, and if Charles Foreman came after that time he came when as Charles Foreman himself states "When the trees were budding out" then he must have returned in the Spring of 1867. Again the trees could

could not have been budding out in the spring of 1867 before January 19, 1867 hence if Charles Foreman returned months after Austin W. Foreman returned in October of 1866 and he returned "When the trees were budding out" he must have returned after January 19, 1867.

There is nothing convincing in the testimony of the witnesses for the applicant although George Amos Mayfield, testifies that he saw him here in 1866, while Daniel Meahn his other witness saw him working for the soldiers but was not positive just when that was.

The Commissioner of Indian Affairs is unable to see the relevancy of the testimony of George Amos Mayfield taken in the matter of the application of Sallie Mayfield for enrollment as a Cherokee Freedman which was filed in and made a part of the record in this case. By reference to this testimony it will be seen that this record is made at the bottom end of the testimony of George Amos Mayfield taken from the Sallie Mayfield case:

"George Amos Mayfield is listed on Dawes Commission rejected card number 5."

And it is further shown in the testimony that the name of George Amos Mayfield does not appear upon the authenticated roll of 1880 and is not a citizen of the Cherokee Nation although the said George Amos Mayfield, claims to have belonged to a citizen of the Cherokee Nation prior to the war, yet if the Commission adjudicated that he was not entitled to enrolment and that he was himself placed upon a rejected card it is equivalent to finding by the Commission that he himself did not return in time to qualify under the treaty of 1866 and therefore could not have been here to truthfully testify as to the return of Charles Foreman and this is about the only witness that Charles Foreman introduces in his own behalf.

True there is some testimony of Pleasant Blackstone, F. H. Nash and McCoy Smith about a barber shop being run by Andy Murrell from about 1866 until 1868 and they all testify that during part of this time that Charles Foreman worked in this shop for Andy Murrell.

McCoy Smith says:

"I don't know that he (Andy Murrell) sold out to any one; I think that Henry Sealey and Charles Foreman run the shop after that."

But these three witnesses are testifying about a barber shop covering some two or three years, namely from 1866 to 1868 or 1869 and the Cherokee Nation does not dispute that Charles Foreman lived in Fort Gibson Cherokee

Nation after the war but what we do say is that the testimony is conclusive that he did not return to Fort Gibson prior to January 19, 1867 in time to qualify under the treaty. This is shown by his own testimony; when he says that he returned about a month after Chief John Ross's remains were brought back to the Cherokee nation, which is shown by the testimony of William P. Ross, who brought the remains of John Ross back to the Cherokee Nation, that they were brought back in May 1867; it is further shown by his own testimony when he says that he came in the Spring of the year, it must have been in the spring after the death of Chief John Ross, and was therefore in the Spring of 1867.

It is further shown by his testimony when he says:

" THE TREES WERE BUDDING OUT"

Which clearly shows that it was in the Spring season and not during the winter and not prior to January 19, 1867.

It is further shown by the testimony of Austin W. Foreman who swears that he and his father returned to the Cherokee Nation in October ~~1866~~ 1866; that his former slave Charles Foreman returned the Spring after that which was in the Spring of 1867.

Taking the testimony of Charles Foreman himself and that of Austin W.Foreman in connection with the return of the remains of Chief John Ross in May 1867 we do not see how the Commission could have come to any other Conclusion than that the applicant, Charles Foreman, did not return in time to qualify under the treaty of 1866.

As to the Second proposition whether or not Charles Foreman was forced to go out of the Cherokee Nation in 1862 and that he came back as soon as he could after the termination of the civil war, we submit in the first place that there is no evidence whatever of any duress upon the said Charles Foreman after the emancipation of the slaves either by the Cherokee authorities or by the president of the United States and in the second place we submit that the treaty is explicit, Article 2 ~~IV~~ of the treaty of 1866 by eviding as follows:

"We further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, and who may return within six months and

their descendents shall have all of the rights of native Cherokees"

It will be noted that no slave prior to July 19, 1866, when the treaty of 1866 was signed, had any rights at all and therefore he never had any rights "to retain." As intimated by the Honorable Commissioner of Indian Affairs in his letter. What Rights had Charles Foreman in 1862? What rights had he in 1865? What rights had he on July 19, 1866? The Answer is NONE. All of the rights which Charles Foreman had either to the lands or moneys in the Cherokee nation ~~xxxxxxxxx~~ grew out of those conferred upon him by the treaty of 1866 and his compliance with the provisions of that treaty. Up to this time he had none to forfeit. He had none to lose; he only acquired rights in the Cherokee Nation subsequent to that time and by virtue of his compliance with the conditions imposed by the treaty.

Now we submit that all of the testimony looking to duress, ~~xxxxxx~~ given that by Austin W. Foreman was that with reference to Charles Foreman being taken out of the Nation in 1862 when every single slave within the limits of the Cherokee Nation was compelled to obey the orders of his master; he was not then emancipated; he was not then a freeman, hence no act of Chief John Ross could affect favorable the Rights of Charles Foreman to citizenship in the Cherokee nation long prior to the passage of the treaty of 1866.

There is not a line of testimony; there is not even a suggestion in any of the testimony there is not a hint from Charles Foreman himself that he was unlawfully detained in Philadelphia after the treaty of July 19, 1866 was negotiated; he does not aver it; and we argue in the first place that even if he were unlawfully detained et hindered by any person out side of the Cherokee Nation, and not permitted to return within the time prescribed by the treaty it may be unfortunate for the applicant but it could not be charged against the Cherokee Nation. John Ross had died on August 1st 1866 or only a few days after the passage of the treaty; he therefore could not have detained Charles Foreman and William P. Ross returned to the Cherokee Nation and assumed the duties of Principal Chief immediately after the death of John Ross and he therefore could not have detained Charles Foreman; but Charles Foreman no where insinuates in his own testimony that he was unlawfully or wrongfully detained.

This is a most serious proposition to the Cherokee Nation. If perchance the Honorable Secretary of the Interior were to hold that if an applicant to be enrolled as a Cherokee Freedman were to show that he was unable from any cause to return to the Cherokee nation within the time prescribed by the treaty that that would release him from the conditions imposed by the treaty requiring him

" TO RETURN WITHIN SIX MONTHS"

How many freedmen applicants would at once seek to avail themselves of this excuse and how could it ever be rebutted by the Cherokee Nation. The treaty required that all freedmen should either be residents at the time the treaty was made or else they should return within six months thereafter and there was absolutely no exemptions from these provisions. Any other decision would indeed alarm the Cherokee Nation. It must not be lost sight of that no freedman had any rights to lose prior to July 19, 1866 and that he only acquired rights upon compliance with the provisions of the treaty of 1866 and if he never complied with them he never acquired them; in other words he never had any rights to lose until after he had acquired them. The provisions of the treaty are imperative; no freedman can acquire rights to citizenship in the Cherokee Nation except through its provisions; and if a freedman applicant admits that he did not return as required by Article ~~xxxx~~ Nine of this treaty we submit that no rights ever attached to that applicant.

If this applicant is enrolled on the theory that he was forced to leave the Cherokee Nation and go to Philadelphia with Chief John Ross why could not every other freedman applicant plead that he was forced to go with his former master; many to Texas; some to Arkansas and a few to Kansas; while others would plead their poverty and inability to return to the Cherokee Nation within the time prescribed by the treaty.. These may be misfortunes but they do not exempt the applicants from a compliance with the provisions of the treaty and we submit that the three questions involved in all freedmen cases are:

1st Was the applicant a slave of a ~~Cherokee citizen~~ citizen of the Cherokee nation at the beginning of the war?

2nd. Was he a resident of the Cherokee Nation when the treaty was

made or returned within six months thereafter; and

3rd Has he been a continuous resident of the Cherokee Nation subsequent to that time?

If these questions are answered favorably the applicant and his descendants since born are entitled to be enrolled as citizens of the Cherokee Nation.

Suppose for the sake of the argument, that a slave was owned by a citizen of the Cherokee Nation in 1860 who sold him to a white man residing in Little Rock, Arkansas in the year 1860, it might have been against the slaves will or consent but it would not give him citizenship in the Cherokee Nation even if he did return to the Cherokee Nation within six months after the ratification of the Treaty because he was not a slave of a Cherokee Citizen when the war began.

If the Department were to hold for any reason that a slave was excused or exempted from returning within six months after the ratification of the treaty so much time as they might be free to return as it might suit their convenience then we submit that there would be no way to protect the Cherokee Nation and every freedman applicant would avail himself of some such excuse."

As to the applicant Charles Foreman, after the Cherokee slaves were emancipated or of his being unlawfully detained without the limits of the Cherokee Nation the only evidence tending in any wise to show, any duress, it seems to us only of a pursuasive character, was that of Chief John Ross and William P. Ross pursuading the applicant, Charles Foreman, to accompany them as a waiter to Philadelphia which he was no doubt glad to do.

We submit as above argued, that the testimony conclusively shows that the applicant returned to the Cherokee Nation in the Spring of 1867 " AFTER THE LEAVES WERE BUDDING OUT" and a month after the remains of Chief John Ross were brought back to the Cherokee Nation which was in May 1867 and in the spring of the year after Austin W Foreman returned in th October of 1866 which must have made it that Charles Foreman returned in the Spring of 1867.

Respectfully,

W W Hastings

Atty Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Charles Foreman,
Checotah, I.T.
Cherokee F-D-90
Register.
Copy to I. P. Blagpoe,
Checotah, I.T.

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D-90

Muskogee, Indian Territory, July 24, 1903.

Charles Foreman,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, I. P. Bledsoe, Chouteau, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-68

Register.

COPY.

Cherokee Freedmen
D-90

Muskogee, Indian Territory, July 24, 1905.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charles Foreman for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated July 10, 1905, rejecting said application.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-71

COPY.

Cherokee Freedmen
D-70

Muskogee, Indian Territory, July 24, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 20, 1906, rejecting the application of Charles Peterson for the enrollment of himself as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-70

COPY.

Cherokee freedmen
D-69

Muskogee, Indian Territory, July 24, 1903.

L. P. Bledsoe,
Attorney for Charles Foreman,
Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Charles Foreman for the enrollment of himself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Enc. D-69
Register.

Commissioner in Charge.

C O P Y.

Refer in reply to the following: Department of the Interior,
Land 47868-1903. Office of Indian Affairs,
Washington, August 10th 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Charles Foreman for enrollment as a Cherokee freedman.

On July 10th 1902, the Commission rendered a decision in this case, finding that the record therein shows that on April 17th, 1901, Charles Foreman appeared before the Commission at Fort Gibson, I. T., and made application for his enrollment as a Cherokee freedman; that further proceedings were had in the matter of said application at Vinita, I. T., on October 3rd, 1901; that a copy of the supplemental testimony taken at Muscogee, I. T., on March 3rd, 1902, in the matter of the application of Louis T. Brown has been filed herewith and made a part of the record herein.

The Commission further finds from the evidence that at the beginning of the rebellion and up to the time of his emancipation Charles Foreman was the slave of Stephen Foreman, a Cherokee citizen; that he was taken out of the Cherokee Nation during the war, and that he did not return thereto until after January 19th, 1867; that the name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation; that it is therefore the opinion of the

Commission that the application of Charles Foreman for enrollment as a Cherokee freedman should be denied under the provisions of section 21 of the Act of Congress approved June 28th, 1898 (30 Stats., 495).

The record evidence submitted in this case has been examined, and the office is unable to find anything therein upon which to base such a decision as has been rendered in this case by the Commission.

The applicant, Charles Foreman, testifies that he is about 50 years old; that he was a slave and was owned by one Stephen Foreman, who was a Cherokee citizen; that at the beginning of the war between the United States and the Confederacy he went away with William Ross, who took him to Philadelphia as a waiter to take care of his family, and that he returned to the Cherokee Nation in 1866, where he has resided ever since.

On cross-examination he states that he went to Philadelphia with Chief John Ross and William P. Ross in 1861; that he was given transportation back and returned in the Spring of 1866, or at least in 1866. He states that he came on a train as far as Memphis, and there took a boat, stopped at Fort Smith, and went on to Fort Gibson where he lived immediately after his return and went to work with a man called Andy Murrell in a barber shop, and that he is a barber by trade. He further states that he stayed in Fort Gibson about four or five years; that he has always lived either in

the Cherokee or Creek Nations since his return in 1866, and never lived outside of the Indian Territory.

The witness George Amos Mayfield testifies that he is 56 years old and that he has no postoffice now; that he is a Cherokee freedman and so recognized by the Cherokee Nation; that he is acquainted with Charles Foreman, has known him ever since 1866, saw him that year in Fort Gibson, at which time he lived right under the hill there and work in the commissary for Major Ludenbill. Witness states that he had known Charles Foreman before and identified him as the Charles Foreman he knew.

On being recalled Charles Foreman testifies that he was in the Cherokee Nation when they brought John Ross's body back there to be buried; that he came to the nation about one month before that time.

The witness Daniel Roch testifies that he is 75 years old he believes; that he used to be acquainted with Charles Foreman, but does not know that he was back in the Cherokee Nation in 1866. Says he saw him about three years after peace was made and after that lost sight of him. Did not see any more of him until five years after that time; that he then saw him in Muscogee, but does not know whether he lived in Muscogee at that time or not.

It appears from the record that the testimony of George Amos Mayfield, taken in the matter of the application of Sallie Mayfield for enrollment as a Cherokee freedman, is made a part of the record in this case, but the office is unable to see that this testimony has much to do with the matter under consideration.

The Cherokee Nation then introduced in its behalf the witness Austen W. Foreman, who says he was born in 1855 and is 46 years old; that his father's name was Stephen Foreman; that he lived at Park Hill, Cherokee Nation about five miles south of Tahlequah at the breaking out of the war; that he and his father left the Cherokee Nation during the war; and that his father owned a slave by the name of Charles at that time. Witness then states that the said Charles left them about 1862, and went with Chief John Ross to Philadelphia, and that he and his father came back to the Cherokee Nation in October 1866; that the said Charles came back to the Territory after they got home; that it was warm weather in the following weason -- in 1867; witness cannot tell just the month it was, but it was warm weather; and that Charles came to their house alone to visit them, at which time he (Charles) told him he was from the North; what he called the North -- Washington or Philadelphia - and he stated he had just come. Witness states that he thinks Charles had been at their house several days before the remains of Chief John Ross came back, and that the remains of the Chief were not brought back until 1867; but cannot state what time in '67 his remains were returned. The witness further states that the Chief's remains were brought back after they came back, and that they came b back in October 1866, and consequently the Chief's r emains must have been brought back in 1867, or about that time. His attention was then called to the fact that Council made and provided means for transporting the corpse back at that time, but there is nothing in his testimony showing at what time that Council was held. In reply to a question from Mr. Bledsoe, agent for the applicant, he makes the following statement:

"Well, if you want to know the whole thing, I will be as brief as I can. Father at that time was scouting, because we were Southern sympathizers; and they were trying to hide my father, and my father was in a cornfield at the time. Charles came there with one of my brothers, and they came there to see how we were--how father was-- and my brother left Charles at the back of the patch holding his horse, and he slipped through the orchard to see if father was alive; and he got back to his horse and Charles was gone, and so he went on south -- that is my brother did.

The next morning Charles came and asked my sister if he could see my father. We had implicit confidence in him, and she says : 'Yes - you can see him any time,' and she told him where father was, and Charles went to him, and father told Charles, he says: 'Charles, you can go so far as I am concerned -- you are a free man;' and Charles says: 'Mr. Foreman, I will not leave you,' but he says they arrested him -- 'I started down the road to see how youwere, and I ran across some soldiers, and they took me down to Chief Ross and put me under guard; and this morning they let me loose, and Mr. Ross wants me to drive his carriage to Fort Scott.'

Charles was our carriage driver, and Mr. Ross told him he wanted him to drive his carriage up to Fort Scott, and Charles asked father if he would allow it and father told him he would.

Another incident -- Father gave him five dollars to get a pair of shoes. Charles was gone then so many years until after the close of the war, and he came back, and brought the shoes with him.

So Charles told us that after he got back to Fort Scott, the reason he could not come back, Mr. Ross wouldn't let him come back, and he says: 'Charles you just go on with me and be my waiter up in Washington,' and he took him up to Washington."

There is then submitted and made a part of the record in this case, the supplemental testimony and proceedings on behalf of the Cherokee Nation in the matter of the application of Louis T. Brown for enrollment as a Cherokee freedman. In this supplemental testimony, one Pleasant M. Blackstone testifies that he is about 60 years old; that he was a citizen of Fort Gibson, Cherokee Nation, from December 18[illegible]6 for about three years; that he first worked for the quartermaster there a little while, and then worked for Mr. F. H. Nash in the mercantile business. He states that the first barber shop he remembers being in Fort Gibson was that of Henry Scales and a fellow named Charles Foreman, and that htye were running a shop

there when he first went there, and that later on there was another shop by the name of Andy Murrell.

Said supplemental testimony shows that the witness F. M. Nash testifies that he is 65 years old; and has resided in Fort Gibson about 49 years, and was there in 1866, and that to the best of his recollection there was a barber-shop run in that town during the years '66-'68, and that Andy Murrell owned the shop, to the best of his recollection. He further testifies that it strikes him that a man named Charles Foreman barbered for him.

The witness McCoy Smith testifies that he is 55 years old; that he lived in Fort Gibson in November 1866, and that Andy Murrell run a barber shop there at that time, and until he was killed -- about 1868. This witness when asked to whom the said Andy Murrell sold out, replies: "I don't know that he sold out to anybody. I think that Henry Scales and Charley Foreman run the shop after that."

It is upon such testimony as the foregoing that the Commission finds that the said Charles Foreman did not return to the Cherokee Nation until after January 19th, 1867. The office submits that this testimony does not show that the said Charles Foreman did not return to the Cherokee Nation until after said date. The above testimony does show that he was in Fort Gibson, and barbering for one Andy Murrell, in 1866. This testimony coincides with the statement of Charles Foreman himself - that he stopped at Fort Gibson and was engaged in the business of barbering when he returned from Washington or Philadelphia.

The office fails to find any evidence submitted on behalf of the Cherokee Nation in this case, which shows that the said

Charles Foreman did not return to the Cherokee Nation in the year 1866, but on the contrary, the evidence submitted by said Nation tends to corroborate the claim of this applicant.

The statement of Austen W. Foreman above quoted shows that this applicant was taken out of the Cherokee Nation by one Chief Ross, and that when they got to Fort Scott Ross would not let him come back, but took him with him to Washington as a waiter, and it appears that the applicant returned to the Cherokee Nation again as soon as he had an opportunity or was able to do so.

The question arises in this case -- was the said Charles Foreman ever out of the Cherokee Nation in such a way as to be compelled to return thereto within six months after the treaty of 1866 between the United States and the Cherokee Nation, as provided in section 9 thereof, in order to retain his rights as a citizen therein. The office considers that under the testimony it is established prima facia at least that the said Charles Foreman was out of the Cherokee Nation without his consent, and that he was virtually kept away from the said Nation and under duress.

It further appears that under all the circumstances he never in law lost his citizenship in said Nation, and that even if he did not return to the Cherokee Nation within the time prescribed by section 9 of said treaty, but did return there as soon as he had the liberty to do so, the rights of citizenship therein by reason of said treaty vested in him, and that such rights did vest in him the moment said treaty became effective for the reason that to all intents and purposes he was at that date a resident of the Cherokee Nation.

The office does not believe that the said decision of the Commission under all the facts and circumstances in this case is correct, and therefore recommends that it be set aside and held for naught, and that the said Charles Foreman be enrolled as a Cherokee freedman citizen of the Cherokee Nation.

Very respectfully,

(signed) A. C. Tonner
Acting Commissioner.

W.C.B. -L.C.

D.C. 87140-1903. WOF. LRS. PAP

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 6276-1903. September 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On August 15, 1903, the Acting Commissioner of Indian Affairs submitted the papers in the matter of the application of Charles Foreman for enrollment as a Cherokee freedman, and recommended that your decision, adverse to the applicants, be "set aside and held for naught, and that the said Charles Foreman be enrolled as a Cherokee freedman citizen of the Cherokee Nation." A copy of his letter is inclosed.

It is directed that you advise the applicant and the attorney for the Cherokee Nation of the recommendation of the Indian Office, and that thirty days from date of such notice will be allowed within which to file any argument they may desire; and that a copy of such argument must be served upon the opposite party.

Respectfully,

(signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,
W. R. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-90.

Muskogee, Indian Territory, October 7, 1903.

Charles Foreman,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed copy of Departmental letter of September 25, 1903, in the matter of your application for enrollment as a Cherokee freedman.

In accordance with instructions contained in said letter, you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Department, such argument as you may desire, a copy of which argument you will be required to furnish the attorney for the Cherokee Nation.

Respectfully,

Chairman.

Enc. D-50

COPY.

Cherokee Freedmen
D-90.

Muskogee, Indian Territory, October 7, 1905.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of September 25, 1905, in the matter of the application of Charles Foreman for enrollment as a Cherokee freedman.

In accordance with instructions contained in said letter, you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Department, such argument as you may desire, a copy of which argument you will be required to furnish the applicant.

Respectfully,

Tams Bixby.

Enc. D51.

Chairman.

Cherokee Freedman
D-90.

Muskogee, Indian Territory, November 7, 1906.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 25, 1906 (I.T.D.6276-1906), there is herewith transmitted brief and argument of the Attorney for the Cherokee Nation in Cherokee freedman case D-90, Charles Foreman.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Enc. N-4.

Copy.

Refer in reply to the following: Land. 78120-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,
November 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 25, 1903, I. T. D. 6276, there is enclosed herewith a report from the Commission to the Five Civilized Tribes dated November 7, 1903, forwarding brief and argument of the attorney for the Cherokee nation in the Cherokee freedman case of Charles Foreman.

Very respectfully,

(Signed) W. A. Jones,
Commissioner.

GAW-CCC

D C 25178-1903. CGFY FWF

I.T.D. 25178-1903. DEPARTMENT OF THE INTERIOR, FWS

L. R. S. WASHINGTON.

December 19, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 24, 1903, you transmitted the record of proceedings had in the matter of the application of Charles Foreman for enrollment as a Cherokee freedman, including your decision of July 10, 1903, rejecting his application.

It appears that the applicant is about 50 years old; that at the beginning of the civil war he was a slave and was owned by Stephen Foreman, a Cherokee citizen; that about 1861 or 1862 he was freed by the voluntary act of his owner; that he went as a waiter in the family of John Ross, chief of the Cherokee Nation, to Washington or Philadelphia; that he returned to the Cherokee Nation in 1866 or 1867; that he has since that time resided in the Cherokee Nation. His name does not appear upon the 1880 authenticated roll of the Cherokee nation.

Reporting in the matter August 15, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be set

aside, and that the applicant be enrolled as a Cherokee freedman citizen of the Cherokee Nation. In his letter the Acting Commissioner takes the view that the evidence shows that the applicant returned to the Cherokee Nation before the expiration of the six months provided for in the Cherokee treaty of 1866; also claiming that the applicant was out of the Cherokee Nation without his consent, and that he was virtually kept away from the said nation and under duress; that under such circumstances he did not lose his citizenship in said nation, and that even if he did not return thereto within the time prescribed by section 9 of the Cherokee treaty of 1866, but did return as soon as he had liberty to do so, the rights of citizenship in said nation vested in him by reason of said treaty.

On September 25, 1903, you were directed to notify the applicant, and the attorney for the Cherokee Nation, that they would be allowed thirty days in which to file any argument in the case that they might desire. On November 7, 1903, you transmitted a brief and argument of the attorney for the Cherokee Nation; also affidavit of service and registry receipt showing that a copy of such argument had been served upon the applicant. The attorney claims that the evidence shows conclusively that Charles Foreman did not return to the Cherokee Nation prior to the expiration of the six months provided in the Cherokee treaty of 1866; that he is therefore not entitled to be enrolled as a Cherokee freedman; also claiming that no slave, prior to July 19, 1866, had any rights at all in the Cherokee Nation;

that he only acquired rights in said Nation by virtue of his compliance with the conditions imposed by the treaty; that if it be held that the applicant is entitled to enrollment on the theory that he was forced to leave the Cherokee Nation and go to Philadelphia, that every other freedman applicant may plead that he was forced to go with his former master, and is therefore exempt from compliance with the provisions of the treaty of 1866.

Whether or not the applicant was kept out of the Cherokee Nation by duress, the Department considers is immaterial; nor is it material whether he returned before January 19, 1867, or in the spring thereafter. The Cherokee treaty of 1866, which was ratified July 27, 1866, provides that:

"All freedmen who have been liberated by voluntary act of their former owners, or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

The word "residence" when used in the statutes, is generally synonymous with "domicil." Jacobs, in his "Law of Domicil," cites numerous decisions to support this proposition. Then the question to be determined is, where was Charles Foreman domiciled at the time of the ratification of the Cherokee treaty of 1866? It is not necessary to decide whether the applicant had a legal domicil prior to his freedom by the voluntary act of his owner, for if such be true, then his domicil must have been in the Cherokee Nation;

neither is the Department required to determine whether, at the time he was freed by the voluntary act of his owner, he became possessed of a legal domicil. If he then became responsible for his own acts, in order to meet the requirements of law he must have been domiciled within some jurisdiction. If he took a domicil at that time, it must have been in the Cherokee Nation; but if he was not possessed of a legal domicil prior to the emancipation proclamation, it cannot be denied that when said proclamation became effective he immediately became possessed of a legal domicil. Whether in such a case, he would have taken the domicil of his former owner, had the circumstances been different, the Department need not decide, for the nature of his absence, and the conditions which brought it about, were not such as would sever his relations with the Cherokee Nation. The Department therefore believes that even though he did not possess a legal domicil until the emancipation proclamation, he then took the domicil of his former master in the Cherokee Nation. In order for him to lose his domicil in said Nation, he must have acquired domicil elsewhere, and in order for him to acquire domicil elsewhere, it is necessary that he be actually present at the place selected, coupled with the intention to remain. There is no evidence which shows an express or implied intention, on the part of Charles Fireman, to remain in Washington or Philadelphia, or in any place outside of the Cherokee Nation. He was merely a waiter in the family of

John Ross, Chief of said Nation, whose presence outside of the Nation was for the purpose of attending to official duties. Of course it could not be contended that John Ross acquired domicil outside of the Cherokee Nation by reason of his absence. The evidence shows that Charles Foreman returned to the Cherokee Nation shortly after his services ceased to the family of John Ross. It therefore seems that his absence from the nation was for a temporary purpose, and not such as would sever his relations with the Cherokee Nation. The Department is therefore of the opinion that the applicant was at the date of the Cherokee treaty of 1866, domiciled in the Cherokee Nation, and that he came within the provisions of said treaty. Your decision rejecting the applicant is therefore set aside, and you are directed to enroll the applicant as a Cherokee freedman citizen of the Cherokee Nation.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

Refer in reply to
the following
[illegible]
1868-1904.

[illegible]
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Feb. 10, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, a communication from the Commission to the Five Civilized Tribes, dated January 8, 1904, relative to a decision of the Department of December 19, 1903 -- I.T.D. [illegible] -- in which the Department directed the commission to enroll Charles Foreman as a Cherokee Freedman citizen of the Cherokee Nation.

Quoting from said decision of the Department "that the applicant is about 50 years old; that at the beginning of the Civil War "he was a slave and was owned by Stephen Foreman, a Cherokee citizen; "that about 1861 or 1862 he was freed by the voluntary act of his "owner; that he went as a waiter in the family of John Ross, Chief "of the Cherokee Nation, to Washington or Philadelphia; that he re-"turned to the Cherokee Nation in 1866 or 1867; that he has since "that time resided in the Cherokee Nation. Inasmuch does not appear "upon the 1880 authenticated roll of the Cherokee Nation", the commission concurs in these findings except as to the date of the applicant's return to the Cherokee Nation, which the commission believes occurred sometime later than 1867, and states that it is conceded on all sides that the evidence shows that the applicant was a slave of

a Cherokee citizen at the commencement of the rebellion, that he had resided in United Territory continuously ever since his return to the Cherokee Nation after the war, and that he is identified on the Dawes Roll of Cherokee freedmen.

The commission further considers that the Department by reason of its discussion of the questions of "domicile" and "temporary absence" entertained some doubt as to whether or not the applicant actually returned in time. The commission further calls attention to the fact that the Department thought the applicant was freed by the voluntary act of his former owner about 1861 or 1862, and the commission further adds that should there by any doubt as to this, the applicant was unconditionally made a free man by operation of the 13th amendment to the Constitution of the United States, proclaimed December 18, 1865, and that as a freedman his domicile would thereafter be of his own choosing and would not be dependent upon or governed by that of his former owner or any other person. After reciting facts and quoting from the evidence in the record to show that the applicant belonged to Stephen Foreman and never belonged to John Ross, the commission then considers the evidence as to the date of the applicant's return to the Cherokee Nation, and quotes the following testimony of the applicant relative thereto:

"Q. Were you here when they brought John Ross' body back here to be buried?

A. He came about a month before I came, I reckon.

Q. Then they brought John Ross' body back here about a month before you came?

A. Yes sir.

Q. Did you come home before or after the remains of Chief John Ross was brought back to the Cherokee Nation?

A. His party came before I did.

Q. It came by the way of Fort Scott, Kansas, and was brought down from there and you came back to your home place after his remains were brought to the Cherokee Nation?

A. Yes sir."

The commission then claims that these admission by the applicant against his own interest constitute the strongest kind of evidence.

The commission then submits the question as to when the remains of Chief John Ross were brought back to the Cherokee Nation for burial, reciting the fact that Jesse Ross swears that said remains were brought to the Cherokee Nation in the spring of 1867, and the evidence of William P. Ross on this point is quoted as follows:

"I brought the remains of John Ross, late Chief, from Washington some time in May of 1867 before the cholera broke out".

The commission then calls attention to the testimony of Austin W. Foreman, son of Stephen Foreman, the applicant's former owner, in which the commission holds that the late return of the applicant is corroborated by the statement of Foreman that he and his father returned to the nation in October 1866, and that the applicant came back in the warm weather of the following season, 1867.

The commission then directs attention to the evidence introduced by the applicant in support of his claim that he returned in 1866 and draws the conclusion therefrom that the applicant did not return to the Cherokee Nation until after the remains of John Ross were brought back to the nation for burial in May 1867.

As to the question did Charles Foreman return to the Cherokee Nation prior to February 15, 1867, the Office has no further statement to make than that made in its letter to the Department of August 14, 1906 -- Land 47,868-1906 -- as far as the record evidence is concerned.

I do find, however, on page 137, Cherokee Laws of 1867, a Resolution in honor of distinguished Cherokees, in which it appears that "John Ross was born on the 3rd of October, 1790 and died in the City of Washington on the 1st day of August, 1866". The committee drafting these resolutions recommended the adoption of certain resolutions concerning Chief John Ross, of which the following are a part:

"3. That is is appropriate that his remains should rest among those "he so long served.

"4. A committee of two be appointed whose duty it shall be to convey "to this country his remains at the expense of the Cherokee Nation".

I find this resolution was adopted at Tahlequah on October 17, 1866. Now the query arises in my mind that if Charles Foreman was acting as the servant of Chief Ross and the Chief died on August 1, 1866, where did Charles Foreman live from the date of the death of the Chief until about May 1867 the time at which he returned to the Cherokee Nation, according to the conclusions of the commission as deducted from the evidence in the case.

It will be noted that the applicant testified on April 17, 1901, that John Ross' body was brought back to the nation about a month before he came, while on May 21, 1902, when asked if he came back

after the remains of the Chief were brought back to the nation, he replied "His party came before I did".

I do not know how intelligent the applicant in this case is, but it does appear that he had reference in this testimony to the time when the other members of Ross' company returned to the nation and not to the time when his body was brought back. From August 1, 1866, until May 1867, is quite a long interval in which the whereabouts of Charles Foreman were not determined so far as the record in the case shows. Foreman himself ought to be able to fully explain what he did during this interval. If he remained in Washington, with whom did he remain and how did he maintain himself. It appears that he came to Washington as the waiter of Chief Ross, but after the death of the Chief we have no further direct evidence as to the movements of Foreman. It is evident that he did not return when the remains of the Chief were brought to the nation, and whatever conclusion may be reached as to his return, from the record evidence, must be unsatisfactory until the whereabouts of the applicant from the death of his employer until the removal of his remains are more fully disclosed.

Passing, however, from the question of the applicant's return to the Cherokee Nation, the commission discusses the holding of the Department that it is not "material whether he (the applicant) returned before January 19, 1867, or in the spring thereafter", for the reason that "his absence from the Nation "was for a temporary "purpose, and not such as would sever his relations with the Cherokee "Nation. The Department is therefore of the opinion that the applicant was at the date of the Cherokee treaty of 1866 domiciled in the

"Cherokee Nation, and that he came within the provisions of said "treaty."

The commission states that it would be derelict in its duty if it did not earnestly dissent from and protest against this view of the Department on the ground that its promulgation will be a detriment far reaching and irreparable to all justly entitled Cherokee citizens; that by virtue thereof an opportunity will be afforded to a multitude of false claimants who have no legal, equitable or moral right to enrollment, to saddle themselves upon the Cherokee Nation and thus take from lawful citizens of said nation a portion of what is justly theirs; that under said ruling the bars are laid down so that rejected freedmen applicants may come in and file motions to reopen their cases, claiming that their absence from the Cherokee Nation from July 19, 1866, to January 19, 1867, was merely temporary and that their domicile in said nation was retained during that period; or that they remained out of the Cherokee Nation for the benefit of their health; or that they could not return thereto within said period on account of the hostile conditions prevailing there; or any one of a thousand other excuses that might be devised by fertile brains to evade the requirements of the law as to their return. ; that in a word it will open the door to fraud and perjury and admit thousands of persons to enrollment who in justice are not entitled.

The commission then submits its opinion as to the intent of the Whitmire decree, holding "that all freedmen applicants who were "born prior to the commencement of the rebellion must have had an

"actual corporeal residence in the Cherokee Nation on July 19, 1866, "or must have actually returned to said nation within six months "thereafter; and that mere constructive residence was not sufficient "to fulfill the spirit and intent of the treaty. Children born "since the commencement of the rebellion to such applicants, would "of course acquire the status of their parents.

The history of the times preceding the making of the treaty of 1866 is then adverted to by the commission, from which the commission draws the following conclusion: "It is difficult to see how "slaves could be deemed to have either a residence or a domicile "prior to their emancipation, since they were transferable as personal property and had no choice as to the place where, or the person "by whom, they were to be held in bondage. But after becoming free "men they were capable of having a domicile and of changing it at "pleasure. Those who returned to the Cherokee Nation in time exer- "cised that choice by selecting said nation as their domicile, and "those who remained without the nation chose to be domiciled else- "where."

The commission further holds that the absent freedmen were contemplated by Congress when it passed the treaty of 1866 and that said provision was included therein for the purpose of giving such absent freedmen a reasonable time in which to return and establish their residence in the Cherokee Nation. The meaning of the word return as used in the treaty is then discussed by the commission and judicial decisions are cited to the effect that a man cannot be said to return to a place and yet never actually change his location. A

plea of the Cherokee Nation, through its attorney, W. W. Hastings, is then recited by the commission as follows:

"If perchance the Honorable Secretary of the Interior were to "hold that if an applicant to be enrolled as a Cherokee Freedman were "to show that he was unable from any cause to return to the Cherokee "Nation within the time prescribed by the treaty that that would re- "lease him 'to return within six months' how many freedmen applicants "would at once seek to avail themselves of this excuse and how could "it ever be rebutted by the Cherokee Nation. The treaty required that "all freedmen should eitherobe residents at the time the treaty was "made or else they should return within six months thereafter and "there was absolutely no exemptions from these provisions. Any other "decision would indeed alarm the Cherokee Nation. It must not be "lost sight of that no freedman had any rights to lose prior to July "19, 1866, and that he only acquired rights upon compliance with the "provisions of the treaty of 1866 and if he never complied with them "he never acquired them; in other words he never had any rights to "lose until after he had acquired them. The provisions of the treaty "are imperative; no freedman can acquire rights to citizenship in the "Cherokee Nation except through its provisions; and if a freedman "applicant admits that he did not return as required by Article nine "of this treaty we submit that no rights ever attached to that appli- "cant.

" If this applicant is enrolled on the theory that he was forced to "leave the Cherokee Nation and go to Philadelphia with Chief John "Ross why could not every other freedman applicant plead that he was "forced to go with his former master; many to Texas; some to Arkansas

"and a few to Kansas; while others would plead their poverty and in-
"ability to return to the Cherokee Nation within the time prescribed
"by the treaty. These may be misfortunes but they do not exempt the
"applicants from a compliance with the provisions of the treaty.....
" If the Department were to hold for any reason that a slave was
"excused or exempted from returning within six months after the
"ratification of the treaty to such times as they might be free to
"return as it might suit their convenience then we submit that there
"would be no way to protect the Cherokee Nation and every freedman
"would avail himself of some such excuse".

The commission then concludes by recommending that the Department reconsider its former action in this case, especially with reference to the ruling that freedmen applicants born prior to the commencement of the rebellion may have actually lived beyond the limits of the Cherokee Nation during said six months period and yet by retaining a constructive residence therein bring themselves within the requirements of the treaty of 1866. This recommendation is based upon the belief of the commission that such is not the law. The commission further asks an early decision in this matter owing to the importance of the questions involved.

I have given the views of the commission at some length because I believe they merit much consideration. I know of no construction of that part of the treaty of 1866 applicable to Cherokee freedmen by any legal tribunal other than the Court of Claims. The Cherokee Nation has construed the treaty as vesting no property rights whatever in the Cherokee freedmen, and the entire course and conduct of

the nation ever since the treaty was promulgated has been pregnant with the idea that these freedmen had no property rights in the nation. This treaty was the product of the government of the United States and the Cherokee Nation for the freedmen themselves had nothing whatever to do with making the treaty or determining any of its provisions and in one sense it at once became the duty of the Cherokee Nation as soon as said treaty was promulgated, and especially after the expiration of the six months period within which freedmen were required to return, to determine what freedmen were entitled to the benefits of said treaty. This the Cherokee Nation did not do, and it does not appear that any such action was ever taken until 1880 at which time the Cherokee Nation provided for taking the census of the Cherokee Nation. The law relative to the taking of this census is set out in chapter 14, page 316, of the Laws of the Cherokee Nation compiled in 1881. Section three of Article 1 of said chapter provides:

"It shall be the duty of said census takers to make full and "complete returns of all persons found residing or sojourning within "the limits of their respective districts, at the time of making the "enumeration, as required by the foregoing section. And said returns "shall show the names of all heads of families, giving a complete "registration of births, deaths and marriages; also, the age and sex, "and names of all males above the age of eighteen years; the names "of all males under the age of eighteen years; the names of all fe- "males under the age of eighteen years; the names, sex, and ages of "all orphans under sixteen years; the names of all whites entitled

the names of all females above the age of eighteen years;

"by law to citizenship, within the ages above specified; the names "of whites not so entitled; the names of all colored persons entitled "by law to citizenship, within said ages, and the names of all such "persons not so entitled; and the names of all Indians not so en- "titled; also a report of the chief productions of agriculture, in- "cluding number of horses, cattle, hogs, sheep, etc., during the year "ending May 1st, 1880".

Section 6 of said Article 1 also provides:

"All persons whose right s to citizenship in the Cherokee Nation "shall be called into question, and who shall be reported by the "persons authorized by this act to take the census of the Cherokee "Nation, on the list of doubtful persons, shall be required by the "Principal Chief to appear before the commission on citizenship, at "Tahlequah, during the month of September, 1880, for the adjudica- "tion of their claims to Cherokee Citizenship. (Dec. 24, 1879)".

Section 7 of Article 2 of said chapter provides:

"Each census roll of the enumeration of 1880 are referred to a "joint committee, for each district, to be composed of one member "from the senate, and two members from the council, of their respect- "ive districts, whose duty it shall be to carefully examine and pass "upon each name appearing on said roll, and the names of any persons "appearing thereon, they may know, or have good reason to believe, "are non-citizens, and not entitled to appear on said census roll, "shall be plainly marked in red ink, "<u>rejected for examination</u>"; "and the names of any person so marked, shall not be placed upon the "record, to be made, of citizens of the Cherokee Nation by the persons

"to be appointed for that purpose by the proper authority, and the "names of any Cherokee citizens, born Male, whose names have been "omitted through an error or mistake of the census takers, shall be "added to the census roll, as a part of the census of 1880".

Section 15 of Article 3 of said Chapter provides:

"All persons, whose names have been reported by the census "takers in schedule 1, as citizens, and whom the revising committee "of this council have marked, and signified as not entitled to be so "returned, shall be summoned by the Principal Chief to appear before "the commission on citizenship, at their next Sept called session, "1881, for the adjudication of their claims, according to the pro- "visions of law relating to 'doubtful citizens', and the names of all "persons who have appeared, or shall appear before said commission as "'doubtful citizens' either by authority of the act of December 21, "1878, authorizing the taking of the census, not including 'new "claimants' enrolled in schedule 4, or by authority of this act, in "whose favor the said commission have decided or shall decide, shall "be by the Executive Secretary attached to the official copy of "citizens hereinbefore authorized to be made and filed in the "Executive office".

This act relating to the census of 1880 was approved December 9, 1880. Previous to that time, however, by an Act approved November 26, 1879, the Cherokee Nation passed an act providing for the appointment of a special commission to try and settle claims to Cherokee citizenship. This act is Article 8 of Chapter 15, beginning on page 208 of the 1879 Cherokee Laws.

On page 890, Cherokee Laws of 1892, is found article 29 which relates to the construction of rights of Cherokee citizenship as designed to be conferred upon freedmen and civilized Indians by the 9th and 10th articles of the treaty of 1866. It is stated in this article that:

"Whereas, Pursuant to this 'power' the National Council did on the "20th day of November, 1866, construe certain provisions of the "treaty of 1866, relating to free colored persons and freedmen formerly slaves of Cherokee citizens, and contained in the 9th article "of said treaty, as well as relating to civilized Indians who might "be settled east of 96 of west longitude, according to article 10th "of said treaty, declaring such free colored persons, freedmen, and "Shawnee Indians, citizens of this nation the same as native Cherokee residents and adopted whites, but omitted to define and construe "what rights and privileges did attach to such citizenship as then "understood and intended to be conferred and vested, and what rights "were reserved by the Indian making such grant; therefore,

" Be it enacted by the Indian Council, That the Treaty 'All the "rights of Native Cherokees' as used in the 9th and 10th Articles of "the Treaty of July 19, 1866, between the United States and this Nation, is hereby construed to mean the individual rights, privileges, "and benefits enjoyed by white adopted citizens of this nation, before and at the making of said treaty, and who had been by law admitted to 'all the rights of Native Cherokees' - civil, political, "and personal, as subjects of the Cherokee Indian of Indians - without acquiring any right or title to the Cherokee Domain, or to the

"proceeds thereof when made subject to a division among those to "whom such domain had been conveyed - all the right to the lands thus "held and owned by this Nation, and to the principal of the proceeds "thereof when realized, being reserved by and to the original Cherokee "owners, as in the case of White adopted citizens, as aforesaid, "subject to be conveyed or granted only at the option of said owners, "or for value received according to agreements provided to be made "with friendly Indians in conformity with the 19th Article of said "Treaty".

I quote the above Cherokee law to show the attitude of the Cherokee Nation toward those Cherokee freedmen who it had by treaty said should have all the rights of native Cherokees. It was the contention of the Cherokee Nation that the Cherokee freedmen had no part of the Cherokee domain that brought about the suit in which the Whitmire decree was rendered. It is quite evident, therefore, that the Cherokee Nation although bound to do so by said treaty, never on its own motion commuted that the Cherokee freedmen should have all the rights of native Cherokees, and while it made the census roll of 1880 upon which a number of Cherokee freedmen names were enrolled, yet it is also quite evident that many Cherokee freedmen who were entitled to be enrolled as citizens were never given a hearing nor were their names ever placed upon said 1880 roll. It was no doubt because of this that the Commission to the Five Civilized Tribes were not limited to the 1880 Cherokee roll when making the roll of Cherokee freedmen, but were directed to make a roll of the same in strict compliance with the provisions of the decree of the Court of

claims in the thirteen cases which created an entirely new status for Cherokee freedmen so far as the Cherokee Nation itself was concerned. By reason of the long lapse of time it now becomes very difficult for the Commission to the Five Civilized Tribes, this office and the Department, to do that which the Cherokee Nation ought to have done long ago, to wit., make a roll of Cherokee freedmen who are entitled to Cherokee citizenship under the provisions of the treaty of 1866. As stated above, this treaty was entered into without any consultation with the Cherokee freedmen and they were not parties thereto. They were granted certain rights thereunder upon complying with the provisions therein. No notice of said treaty was provided for, although the Cherokee slaves had been, as stated by the commission, scattered among several of the adjoining States by reason of the War of the Rebellion. No doubt hundreds of them were totally ignorant of the passage of the treaty at all and it was impossible for such as these to have complied with the treaty provisions except by accident. Children and minors were no doubt in many cases separated from their parents and all the conditions that naturally arose by slavery attended them. The commission in its view holds that the treaty made an actual physical return on the part of the freedmen necessary in every instance within six months from the promulgation of the treaty in order to secure the rights intended to be granted by it, and that no condition however harsh and severe would be grounds upon which to modify such a strict construction. It is quite evident that many of the minor freedmen in 1866 were not only incapable of returning to the Cherokee Nation, but were incapable of

selecting a residence or domicile and yet the commission holds that the treaty should be strictly construed even as to them. It further holds that although the father may have complied with the treaty yet if he had a minor child who by reason of slavery, or otherwise, had become separated from him and was residing somewhere outside of the Cherokee Nation and did not return thereto within the proper time, such a child also lost its rights and is barred by the treaty.

In all equity it appears that Charles Foreman is entitled to be enrolled as a citizen of the Cherokee Nation. He was a slave of a Cherokee citizen and while he absented himself from the Cherokee Nation he was, so far as the record shows, in the service of the Chief of said Nation. It therefore appears that up to the time of his return to the nation he had cast his lot with the nation and its citizens and knew no other place than that as his home. I can readily see, as the Commission states, that his admission upon the grounds laid down by the Department may cause complications to arise as to the admission of other Cherokee freedmen similarly situated. The whole question, it occurs to me, ought to be referred to the law officers of the Department for the establishment of such rules of construction as will fully and finally determine just who are and who are not entitled to be enrolled as Cherokee freedmen without special reference to the case under consideration.

Very respectfully,

[Signed]A. C. Tonner,

(W.C.B.)P. Acting Commissioner.

The papers in the case were informally returned to the

Department on June 29-1956. See Department letter of this date
S.J.D. 8000/58 & 611.04.

I T D (6027)
[illegible]
Foreman, Charles, 1866-1906.

G.L.B
W.C.P.
S.V.P.

The Secretary of the Interior.

Sir:

I received, by reference of March 24, 1906, with request for opinion thereon, the application of Charles Foreman to be enrolled as a freedman citizen of the Cherokee Nation, with motion for review of departmental decision of December 19, 1903, thereon.

The motion states that Foreman, by his own testimony, did not return to the territory until shortly after the return of the party carrying back the remains of Chief John Ross, deceased, which other evidence clearly fixes was not until some time in May, 1867. This was not until after February 11, 1867, when the six months period limited by Article XX of the treaty of July 19, 1866 [14 Stat., 799, 801] promulgated August 11, 1866, had expired, and it is therefore insisted that Foreman was barred by the treaty limitation, and that his admission was erroneous.

The facts in Foreman's case are that he being perhaps claimed to be in a state of servitude was brought to Washington by Chief John Ross as one of his party, or retinue. Chief Ross came officially as a delegate from the Cherokee nation to the government of the United States and Foreman was one of the delegate's retinue to the time of Ross's death, which was about August 1, 1866, and after the negotiation of the treaty, as its preamble shows he was then living, though "too unwell to join in these negotiations." Why Foreman did not return with the funeral party, or when, or why

he became separated from the delegate party does not appear in the record, but in the view I take of the matter this is immaterial.

While Foreman was one of Ross's retinue upon a diplomatic mission from the Cherokee Nation to the government of the United States, he and all others of Ross's party, equally with the delegate, were in view of the law residents of the state from which the delegate was accredited. It follows that from the date of the treaty to the severing of his employment by the delegate, Foreman was in view of the law and a proper construction of the treaty a resident of the Territory. It is immaterial whether his going with the delegate was constrained, the obedience of a slave, or the voluntary act of a free person. His presence at the delegation was residence in the Cherokee Nation. This brings him within the terms of Article IX of the treaty fully qualified as one of those who "are now residents therein".

Why he did not continue with the delegation therefore becomes immaterial, as he being within the provision of Article IX of the treaty would only lose the citizenship conferred by such act of removal from the nation and settlement elsewhere as would be an expatriation. His speedy return soon after return of the funeral party clearly shows that he had not formed an intent to sever his citizenship in the nation, and had not settled elsewhere with intent to remain. I am therefore of opinion that the motion should be denied and that the departmental decision in Foreman's case should be adhered to.

The decision in Foreman's case is made the basis of a communication , January 8, 1904, by the Commission to the Five

Civilized Tribes, and an extended argument by counsel for the Choctaw Nation respecting the evils that are apprehended will arise, unless Article IV of the treaty be strictly and literally construed to mean an actual physical presence in the territory on or prior to the period limited, expiring February 11, 1867. This alarm is wholly unjustified by the facts. There could have been no very numerous retinue of freedmen or free colored persons attached to the delegate party. The decision applies only to its own facts. I am wholly unable to see that just ground for such alarm exists. But were they many or few, I am clearly of the opinion that such freedmen and free colored persons as went from the nation as part of the delegate's party, or retinue, so long as they were connected with it must be regarded as within the meaning of the treaty as they were in view of the law, as during such time "residents" of the territory of the nation, entitled to all the rights of actual residents.

As to other freedmen and free colored persons, it is argued that slaves have no domicile. This may be admitted, but immediately upon emancipation rights of domicile must instantly, arise to the former slave. From proclamation of the thirteenth amendment to the Constitution of the United States, December 18, 1865 there were no slaves in the United States. It is true that all former slaves became legally freedmen and had some domicile. But for a longer time there were persons illegally restrained of their liberty , as there still are, as convictions before the courts now from time to time occurring for "peonage" conclusively show. As to such a person it can not be said that "his domicile would thenceforth be of his own choosing". One under actual restraint,

whether legal or not, can not create him any place of abode or his domicile. Presumably the domicile of one is free and entitled to choose it, is that place where he abides with no present intent to remove elsewhere. Such presumption, however, may be rebutted by proof and domicile shown to be elsewhere.

Very respectfully,

(Signed) Frank L. Campbell,
Assistant Attorney-General.

Approved: April 20, 1906.

(Signed) E. H. Mitchell,
Secretary.

D C Lands-1904.

I.T.D. 6776-1903.
1260-1904.
2808- "

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

L.R.S.

April 21, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, the Department received a motion from the attorney for the Cherokee Nation, dated January 27, 1904, requesting a review of departmental decision of December 19, 1903, in the Cherokee freedmen case of Charles Foreman (D-60).

On March 25, 1904, said motion, together with the other papers in the case, including your communication of January 8, 1904, relative to the matter, were referred to the Assistant Attorney General for the Interior Department. In his opinion approved April 16, 1904, he states that the motion for review should be denied, and that departmental decision in said case should be adhered to. A copy of said opinion is inclosed herewith.

The motion for review is therefore denied, and you will so notify the applicant and the attorney for the Cherokee Nation. A copy of Indian office letter of February 19, 1904, in the matter, is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-90.

Muskogee, Indian Territory, May 3, 1904.

Charles Foreman,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting your application for enrollment as a Cherokee freedman, was reversed by the Secretary of the Interior on December 19, 1903, and it is ordered by the Secretary that you be enrolled.

Respectfully,

Chairman.

Cherokee Freedmen
D-90.

Muskogee, Indian Territory, May 3, 1904.

I. F. Hedges,
Agent for Charles Foreman,
Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Charles Foreman as a Cherokee freedman, was reversed by the Secretary of the Interior on December 19, 1903, and the Commission ordered to enroll the applicant.

Respectfully,

Chairman.

Cherokee Freedmen
D-20.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

[redacted]

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1904, rejecting the application of Charles Foreman for enrollment as a Cherokee freedman, was reversed by the Secretary of the Interior on December 19, 1903, and the Commission ordered to enroll the applicant.

Respectfully,

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

C F 1330

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1904.

Charles Foreman,

Checotah, I. T.

Dear Sir:

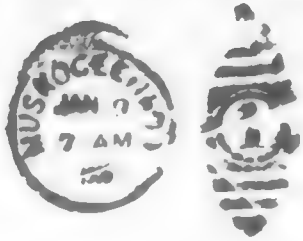
You are hereby advised that the name of yourself

_____ appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904.

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.


MUSKOGEE, OKLA.
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Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.



OFFICIAL BUSINESS
FOR PRIVATE USE $300

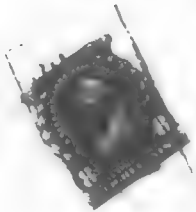

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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.







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(SEALED)



C 7 D 40

General Office Cherokee Freedmen

Advising that he will be allowed thirty days in which to file argument.
Copy of Department letter.

Department of the Interior

Penalty for private use, $300

CHEC
NOV
8
P.M.
IND.T.

Charles Foreman,

Chandler, Indian Territory.

UNCLAIMED

RETURN TO WRITER

General Office Cherokee Freedman

Advising that ... will be allowed thirty days in which to file argument.
Copy of Department letter.

CHECC... NOV 8 7PM IND.T.

Department of the Interior

Penalty for private use, $300.

Charles Foreman,
Chaeotah, Indian Territory.

RETURN TO WRITER

UNCLAIMED

REGISTRY RECEIPT.

Post Office at

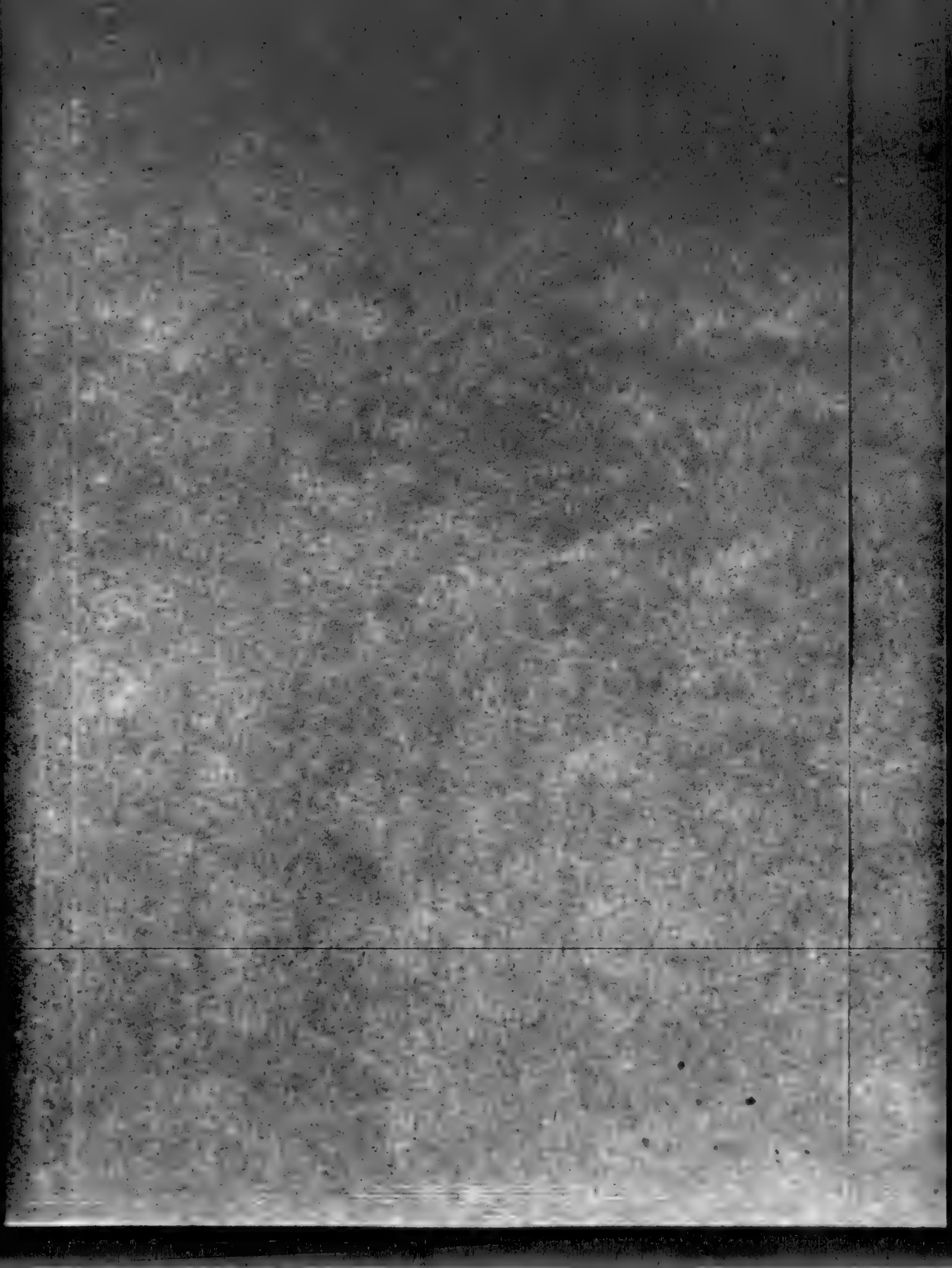
Registered Letter / No. Rec'd , 190

of

addressed to

P. M.

REGISTRY RECEIPT.



COMMISSION TO THE FIVE C...
JUL 19 1901

Mark Bonaparte et al. v. [illegible]

1P841

[illegible] ONE, as to [illegible], Alexander Boudinot

[illegible] OF THE INTERIOR
[illegible] TO THE [illegible]
MUSKOGEE, I.T., [illegible], 1901.

In the matter of the application of Mariah Boudinot for the enrollment of herself, her husband and one child as Cherokee Freedmen; said Boudinot being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Mr. I. P. Nicolson, Agent for Applicants.
Messrs. Hastings and Davenport, for Cherokee Nation.

Q What is your name? A Mariah Boudinot.
Q How old are you? A 44 years old.
Q What is your post office? A Newton.
Q What district do you live in? A Coowescoowe.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A One child.
Q What is the name of the child? A Alexander Boudinot.
Q How old is he? A Year and five mos. old.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A On the Wallace roll.
Q What was your father's name? A Cornelius Reese.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Celia Reese.
Q Is she living? A No, sir.
Q What is your husband's name? A Alcek Boudinot.
Q Is he living? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Well, has he applied to be enrolled yet? A No, sir.
Q Are you and he living together? A Yes, sir.
Q Is this name on the roll of 1880? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's husband found thereon, page 74, #585, Alex Boudinot, Coowescoowe Dist. Name of applicant not found on the 1880 roll.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant's husband found thereon, page 187, #19, Alexander Boudinot, Delaware District.

Q Has your husband been living in the Cherokee Nation continuously for the last twenty years, do you know? A Yes, sir, I guess so, ever since I knowed him he has been living here.
Q You say your name is on only of the roll, except the Wallace roll? A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 187, #2674, Maria Reese, Coowescoowe District.

Q Did you ever know a woman named Jennie Boudinot? A I have heard of her.
Q Supposed to be his(Applicant's husband.) wife? A Yes, sir, she used to be.
Q Is she living? A Yes, sir, I think so.
Q Where were you born? A I was born in the Nation.
Q Have you lived in the Nation all your life? A Yes, sir.
Q Has this child Alexander you want to save lived
A Yes, sir, here he is right here.
Q Have you any proof of your marriage to Alcek Boudinot?
A Yes, sir, I got a certificate but I haven't got it with me. Sam Cobber married us.

Mart in Hamblett, Ct al.--D.

BY MR. [redacted]:

Q Who was your mother, Martin? A Colin Martin, of Knox n.
Q Who was your father? A Cornelius Hudson.
Q Is your mother alive or dead? A She is dead.
Q Your father, is he alive A Yes, sir.
Q That is the old gentleman had sworn just now? A Yes, sir.
Q Was your mother a citizen? A Yes, sir.
Q You have li ved in t he Cherokee Nation all your li fe?
A Yes, si r.

BY MR. HASTINGS:

Q How long have you known Alock Dewlinet? A About three years.
Q You don 't know of your knowledge whether he was married or not?
A No, sir.
Q Was he living with this woman June at the time you knew him then?
A Y e, sir.
Q Did he tell you he had been married before? A He said he had been living with a woman before; he didn't say he was married.
Q Then you know he had been living with a woman before? A Yes, sir.
Q Do y ou know whether he had any c hildren or not? A No, sir.
Q You have only known him about three years? A Yes, sir.
Q Well, now, when did you marry him? A 1900.
Q Last year? A Yes, sir.
Q What time of last year? A July 1st.
Q When was this chi ld born? A January 1st.
Q You had been living with him about six months when that child was born, just six months is that true? A Yes, sir, he was born on the fi rst day of January.
Q And you married on t he first day of July before the child was born? A I married him in 1900 , July 1st.
Q And the child was born January 1st, 1901? A 1900.
Q Do you mean t he child was born after you married the man or not? (No response.)

BY COM'R [redacted]:

Q The child was born befo re you married? A Yes, si r.

BY MR. HASTINGS:

Q Have you been li ving with him s ev since you married him?
A Yes, si r.
Q Where are you keeping house? A North part of town.
Q Have y ou been keeping house there? A Yes, sir.
Q Have been ever since you married? A Yes, si r.
Q North part of this t own, Roundh? A Yes, si r.
Q What does your husband do? A He w orks at the hotel.
Q Were you ever married before you married Alock? A Yes, sir.
Q What was his name? A Jerry Tucker.
Q You never was divorced? A No, si r. Didn't have anything to get a divorce with, we just marri ed and never got any li c ense or anything.
Q You had a preacher marry you? A Yes, sir, he said he was a preacher.
Q Who was it? A His name was Clark, he didn't live in thi s country.
Q How long did you li ve wi th that man before y ou separated from him? A Two or three years.
Q When did you separate from him? A It has been four years ago.
Q How old do you say you were? A 24.
Q Now, where were you born? A I was born out in the country, about fi ve miles, Greasy Bottom.
Q What direct i on from here? A East.
Q Have ye u lived ther e ever sinc e? A Yes, sir.
Q How far do you live from John Cooky's? A I live about two miles and a half.
Q You have known him ever since you were born? A Yes, si r.
Q You have lived right there in t hat neighborhood? A Yes, si r.

Mariah Boudinet, et al.--S.

Q You never have been out to Kansas? A I was nine months in
Q Well, but any other time you went to school? A No, sir.
Q You have it tied in that overleg bottom over since? A Yes,
sir.

BY MR. MCKENNON:

Q You say this child was born before you married Aleck? A Yes,
sir.
Q Is Aleck the father of this child? A Yes, sir.

CORNELIUS MASON, being sworn by Commissioner T. B. Needles, testified as follows: BY MR. MCKENNON:

Q What is your name? A Cornelius Mason.
Q How old are you? A 54.
Q Where do you live now? A Up here in the bottom.
Q Are you a Cherokee citizen? A Yes, sir.
Q What are you? A Chickasaw.
Q Do you know Mariah Boudinet? A Yes, sir.
Q What relation is she to you? A She is my daughter.
Q Who is her mother? A Celia a Martin.
Q Where is Celia a Martin now? A She is dead.
Q Where was this child born? A Down here in the bottom, we call the Goody's Island, it is.
Q In the [illegible] Cherokee Nation? A Yes, sir.
Q Do you know whether Mariah Mason has lived in the Cherokee Nation all her life? A Yes, sir.
Q Do you know anything about this child, whether it is her child or not, this child (indicating.)? A Yes, sir.
Q How long have you known Celia a Martin? A Ever since '68.
Q Where did you know her in '68? A Right down here on the river.
Q In the Cherokee Nation? A Yes, sir.
Q Where were you married to her? A At Goody's [illegible].
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether she remained in here up to the time of her death? A Yes, sir.

BY COMMISSIONER MEADLER:

Q You say you are a citizen of the Chickasaw Nation? A Yes, sir.
Q Celia a Martin was your wife? A Yes, sir.
Q Celia Martin was the mother of Mariah Boudinet? A Yes, sir.
Q Was Celia Martin a slave? A I suppose so.
Q Do you know to whom she belonged? A Belonged to Joe Martin.
Q Was Joe Martin a Cherokee? A Yes, sir.
Q Was Celia a Martin taken out of the Cherokee Nation during the war? A I heard she was.
Q Do you know it? A Yes, sir.
Q Do you know when she returned? A I do not.

ALLEN LYNCH, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. MCKENNON:

Q What is your name? A Allen Lynch.
Q How old are you? A I am 61 years old, sir.
Q Do you know whether or not your name is upon the authenticated roll of 1880 of the Cherokee Nation or not ? A Yes, sir.
Q Do you know this woman here, Mariah Boudinet? A Yes, sir.
Q Do you know who her mother was? A Yes, sir.
Q What was her mother's name? A Celia a Martin used to be.
Q Do you know whether Celia a Martin was a slave or not?
A Yes, sir.
Q To whom did she belong? A Joe Martin.
Q At the commencement of the war? A Yes, sir.
Q Did she return here after the war? A Well, I don't know that.
Q What time did you see her after that? A I don't know what time she came back.
Q When did you see her after the war? A I never seen her Celia for three or four, five or six years after the war.
Q Do you know where she died? A No, sir, I don't.

Mariah Boudinet, et al.

BY MR. MOSKOWITZ:

Q A[illegible], was Jess Martin living at the time he quitted out of the war?
A Yes, sir and away after the war.
Q How long did he live after the war? A He must have lived ten or twelve years after the war, he has not been more than five or six, eight years since he died.
Q And her mother belonged to him prior to the war? A Yes, sir.
Q And you don't know when she returned? A No, sir.

COLUMBUS McNAIR, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. MOSKOWITZ:

Q What is your name? A Columbus McNair.
Q How old are you? A 61 years.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know this woman here, Mariah Bacon or Mariah Boudinet?
A Yes, sir.
Q Do you know who her mother was? A Yes, sir.
Q Who was she? A She was Celia Martin.
Q Who did she marry? A She married Cornelius Bacon.
Q Do you know whether she was a slave or not? A Yes, sir.
Q Whom did she belong to? A Belonged to Jess Martin
Q Was he a Cherokee citizen? A Yes, sir.
Q Do you know whether she was taken out of here during the war or not? A Yes, sir, I guess she was.
Q When did you see her? A I never saw her until '67.
Q What time of '67? A Febr uary.
Q Where did you see her at? A Down here on Pryor Creek with Jess Brown at the old Martin Thompson place.
Q You say she was with Jess Brown ? A Yes, sir, she was with Jess there.
Q Do you know whether Celia Martin continued to live in the Cherokee Nation until her death? A Yes, sir.
Q She died in the Cherokee Nation? A Yes, sir.
Q Do you know whether this child was born in the Cherokee Nation or not? A Yes, sir, she was born in the Cherokee Nation.

BY MR. HASTINGS:

Q Where was Martin Thompson living at that time? A Down here on the old ranch place where we lived before the war.
Q Had he and Jack McNair's widow married then?
A No, sir, he married my young Mistress, Martha McNair, and before he married her she was Martha Rogers.
Q And Martin Thompson was living on Pryor Creek? A Yes, sir.
Q And that was in '67? A Yes, sir.
Q Was Jess Brown with Martin Thompson? A Yes, sir.
Q How far is that from where Pryor Creek station is now?
A Away up above Pryor Creek.
Q How far below Chelsea? A I don't know; I traveled about over that part of the country before the war, it isn't over six, seven or eight miles though.
Q And Martin Thompson was living there at the time you saw them?
A Yes, sir.

COMM'R NEEDLES: Mariah Boudinet applies for the enrollment of herself, her husband, Alexander, and her child, Alexander Jr., The name of her husband, Alexander Boudinet, appears upon the authenticated roll of 1880 and the census roll of 1896. Satisfactory proof is made as to residence and he will be listed for enrollment as a Cherokee Freedman.

Mariah Boudinet can not be identified upon the roll of 1880, the census roll of 1896, or Kern-Clifton roll, but is identified upon the Wallace roll by the name of Mariah Bacon. She avers that she was formerly married to one Jerry Tucker and presents no satisfactory proof of divorce. The

Mariah Boudinot, et al -

allegations to her knowledge her husband is not with a view to his wife before re-marriage, but no application for a decree of divorce is presented. It will be necessary for Mariah Boudinot to file with Mr. this Commission a certified license of marriage to Alexander Boudinot and also certificate of birth as to her child, Alexander, Jr., also satisfactory proof of divorces. Consequently Mariah Boudinot and her child, Alexander, will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. The attorney for the said Alexander, Jr., will depend first upon proof of divorce between Alexander Boudinot, Sr., and his former wife, and proof of divorce between Mariah Boudinot and her former husband, proof of marriage between the applicant and her husband and proof of birth. She will be notified by mail of the decision of the Commission in the matter of her application when the same is arrived at.

SUPPLEMENTAL TO ABOVE:

COLUMBUS McMAIN recalled: BY MR. MARTINES:

Q Did you know this woman's mother before this war? A Yes, sir.
Q Where did she live? A Lived right down here on Cabin Creek, at Joe Martin's.
Q What was her mother? A Her name was Celia Martin, married to Joe Martin.
Q Do you know whether she had any children before the war or not?
A No, sir.
Q Do you know what her mother's name was? A Martin.
Q And her father? A Freeman Fred Martin was always said to be her father.

---oOo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 11th day of July, 1901.

Commissioner.

(1)

7084F

4

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 12 1901

AGENT, C.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 24, 1901

Post Office Navato I.T.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

11. Name of wife Mariah Boudinot Age 24

Owner's name ..... Citizenship .....

Year Wallace Page 127 No 2674 District Coo

Parents:

Father Cornelius Bacon—living Citizenship .....

Mother Celia " —dead Citizenship .....

Names of Children:

2 Alexander Boudinot Jr. Year — Page — No. — Dist. — 1/2

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mo. 1 Stenographer C. O. Roscoe

Ex Wallace roll as Maria Bacon

Proof of divorce & its date from former wife to be supplied

Marriage cert. to be supplied

2 Aff. of birth " " " "

Proof of divorce & its date from former husband required

Represented by S.D. Rhodes

Affd

Signed and acknowledged
before me on this June 25th
1901. Ardmore, I. T.

J. P. Bledsoe
Notary Public

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901

ACTING CHAIRMAN.

Marriage Certificate

To Whom It May Concern:
Know all men by these presents
That I, Samuel Webber, a
minister of the Gospel United
in the bonds of matrimony
Alexander Bouchet and
Mariah Bacon on July
1900, in Nowata, I. T. and I
solemnized the rites of matri-
mony and performed all the re-
quirements of the law in join-
ing above named parties.
In Testimony whereof I have hereunto
subscribed my name, as such
Official

Witness
L C Rodgers

Samuel Webber
his
mark

Marital Document, 04 al.,—Exhibits page 13.

Cher. P. D. 241. 905

Marriage Certificate.

To whom it may concern:

Know ye that by these presents that I, Samuel Webber, a minister of the Gospel authorized in the bonds of matrimony Alexander [illegible] and Martha Mason on July 1890, in Nowata, I. T. and I solemnized the rites of matrimony and performed all the requirements of the law in joining above named parties.

In testimony thereof I have hereunto signed my name, as such official.

Attest D. C. Rogers.
Joe Whitmire.

his
Samuel X Webber.
mark.

Signed and acknowledged before me on this June 25th 1891, Nowata, I. T.

I. P. Bledsoe,
Notary Public.

(SEAL)

Cher. P. D. 130.

This Certifies that James Keys of Melvin, I. T. and Timsy Peerbey of Melvin, I. T. were by me united in Holy Matrimony at Melvin, I. T. according to the laws of the Cherokee Nation and the ordinances of God, this 19th day of September 1890.

W. P. Robertson.
A minister of the Gospel.

Cher. P. D. 136.

P E R M I T.

No. 59.

Cherokee Nation, Tahlequah District.

Mr. J. T. Thompson, a citizen of the Cherokee Nation, is hereby authorized and permitted, in accordance with Section 2nd of the "Act authorizing the District Clerks to issue PERMITS," Approved December 4th, 1879 and amended Dec. 1st, 1886 and Dec. 3rd, 1889, to employ Warren Whisman to labor as a Laborer within this District for the term of three months from this date; he having paid to me, in advance, the Sum of ($1.50) cents dollars, as follows--cash $1.50, National Certificates $------. Given under my hand and seal of office, this the 30 day of March 1891.

Allen Ross.
Clerk of Tahlequah District, C. N.

OATH.

I do solemnly swear (or affirm) that I am a citizen of the United States, and that I have never made application before any Commission or Court of the Cherokee Nation for citizenship in said Nation. That it is not on account of any criminal offense against the laws of the same, that I have come to seek employment in this Nation. That within ten (10) days after the expiration of my permit, unless the same shall be renewed, I will remove without the limits of this Nation.

(SEAL)

Sworn to and subscribed before me this 30 th day of March 1891.

Allen Ross
Clerk.

Cher.P.D.-136

P E R M I T

No. 26.

Cherokee Nation, Tahlequah District.

Mr. J. T. Thompson, a citizen of the Cherokee Nation, is hereby authorized and permitted, in accordance with Section 2nd. of the "Act authorizing the District Clerks to issue PERMITS." Approved December 4th, 1879 and amended Dec.1st, 1886 and Dec.3rd.1889, to employ Sim Robertson to labor as a Laborer within this District for the term of two months from this date; he having paid to me in advance the sum of $1.00, dollars, as follows--Cash $1.00, National Certificates $-------, Given under my hand and seal of office, this the 26th day of May, 1890

(SEAL)

Allen Ross
Clerk of Tahlequah District, C. N.

OATH.

(SEAL)

I do solemnly swear (or affirm) that I am a citizen of the United States, and that I have never made application before any Commission or Court of the Cherokee Nation for citizenship in said Nation. That it is not on account of any criminal offense against the laws of the same, that I have come to seek employment in this Nation. That within ten (10) days after the expiration of my permit, unless the same shall be renewed, I will remove without the limits of this Nation.

Sworn to and subscribed before me this 26th day of May, 1890.

Allen Ross
Clerk.

P E R M I T.

Cher. P. D.-136.

No--

Cherokee Nation, Tahlequah District.

Mr. J. T. Thompson, a citizen of the Cherokee Nation, is hereby authorized and permitted, in accordance with Section 2nd. of the "Act authorizing the District Clerks to issue PERMITS," Approved December 4th, 1879 and amended Dec.1st, 1886 and Dec.3rd, 1889, to employ Warren Whitmenee to labor as a Laborer within this District for the term of 2 months from this date; he having paid to me, in advance, the sum of $1.00 dollars, as follows--Cash $---- National Certificates $-----. Given under my hand and seal of office, this the 30th day of Sept.,1891.

Jno. L. Adams, Jr.,
Clerk of Tahlequah District,C.N.

(SEAL)

OATH.

I do solemnly swear (or affirm) that I am a citizen of the United States, and that I have never made application before any Commission or Court of the Cherokee Nation for citizenship in said Nation. That it is not on account of any criminal offense against the laws of the same, that I have come to seek employment in this Nation. That within ten (10) days after the expiration of my permit,

(SEAL)

unless the same shall be renewed, I will remove without the limits of this Nation.

Sworn to and subscribed before me this 30th day of Sept., 1891.

Jno. L. Adams, Jr.,
Deputy.

EXHIBIT A. Cher. F.D.--136.

Act of November 5th, 1892.

No. 12, Cherokee Nation, Tahlequah District.

Permission is hereby granted J. T. Thompson, a citizen of the Cherokee Nation, to employ Wm. Stout, as a Laborer for the term of one month from this date.

FIFTY No permit shall be issued for a longer CENTS period than Dec. 31, of the year in which the permit is issued.

Given under my hand and seal of office, this the 1st day of Feb. 1893 Countersigned:

(SEAL) E.B.Starr, T. W. Triplet.

Treasurer Cherokee Nation. Clerk Tahlequah District.

Cher. F. D.--136

EXHIBIT A.

Act of November 5th 1892.

No. 13, Cherokee Nation, Tahlequah District.

Permission is hereby granted J. T. Thompson a citizen of the Cherokee Nation, to employ Wm. Stout as a Laborer for the term of one month from this date.

FIFTY No permit shall be issued for a longer CENTS period than Dec.31, of the year in which the permit is issued.

Given under my hand and seal of office, this the 1st. day of April, 1893.

T. W. Triplet,

(SEAL) Clerk Tahlequah District.

Countersigned:

E. B. Starr,
Treasurer Cherokee Nation.

EXHIBIT A.

Act of November 9th, 1895

No. 89

Cherokee Nation, Tahlequah District.

P E R M I T.

Permission is hereby granted to J. T. Thompson a citizen of the Cherokee Nation, to employ W. H. Baker as a laborer, for the term of one month from this date.

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

(SEAL)

Given under my hand and seal of office, this the 8th day of January, 1896.

T. W. Triplet,
Clerk Tahlequah District.

Countersigned:
E. B. Starr,
Treasurer Cherokee Nation.

EXHIBIT A.

Act of November 9th 1895.

No. 374 Cherokee Nation, Tahlequah District.

Permission is hereby granted J. T. Thompson, a citizen of the Cherokee Nation, to employ William Stout as a laborer for the term of one month from this date.

FIFTY "No permit shall be issued for a longer CENTS
period than Dec.31, of the year in which the
permit is issued.

(SEAL)

Given under my hand and seal of office, this the 1st day of May, 1896.

T. W. Triplet,
Clerk Tahlequah District.

Countersigned:
E. B. Starr,
Treasurer Cherokee Nation.

Cher. P. B. 116.

Cherokee Nation,
Tahlequah Dist.

J. T. Thompson has a Permit for Six Laborers as a Laborer for one month from the 21st day of April 1898

Allen Ross, Clerk
Tahlequah Dist., C. N.

(SEAL)

Out of Blanks & cannot get any.

[illegible]

[illegible] in the Five Civil [illegible] certify that the above and foregoing are true and correct copies of the originals on file with this Commission.

C. R. Thackeray
Commissioner.

Cherokee Freedmen D 841.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maria Boudinot for the enrollment of herself and minor child, Alexander Boudinot, Jr., as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 24, 1901, Maria Boudinot appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and minor child, Alexander Boudinot, Jr., as Cherokee Freedmen. The application also included Alexander Boudinot, but he is differently classified and is not embraced in this decision.

The evidence shows that the applicant, Maria Boudinot, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation during the rebellion and did not return thereto until February, 1867. Her name is not found on the 1880 authenticated Cherokee roll.

The evidence further shows that the applicant, Alexander Boudinot, Jr., was about one year old at the date of this application; that he is the son of Maria Boudinot and Alexander Boudinot; and that the latter is identified on the 1880 authenticated Cherokee roll.

The evidence further shows that Alexander Boudinot, father of the minor applicant herein, has resided in the Cherokee Nation for about twenty years immediately preceding the date of this application, and that his son, Alexander Boudinot, Jr., has resided in said Nation continuously since birth.

It is, therefore, the opinion of this Commission that Alexander Boudinot, Jr., should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the application for the enrollment of Maria Boudinot as a Cherokee Freedman should be denied, under the provisions of said section twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this JUL 1 - 1903

Commissioner.

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mariah Boudinot, I
Nowata, I. T.
Cherokee-F-D-641.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
Docket.

Muskogee, Indian Territory, July 15, 1905.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1905, granting the application of Maria Boudinot for the enrollment of her minor child, Alexander Boudinot, Jr., and rejecting her application for the enrollment of herself, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. E-113.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freed-
men D-641.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Maria Boudinot for the enrollment of herself and her minor child, Alexander Boudinot, Jr., as Cherokee Freedmen, including the Commission's decision, dated July 1, 1903, rejecting her application as to herself.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc.L-9.

Through the Commissioner of Indian Affairs.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

August 5, 1903

SUBJECT:

Transmitting record of proceedings in Cherokee Freedmen D 841, Maria Boudinot.

No. of inclosures. 1

COPY

Cherokee Freedmen
Deal

Muskogee, Indian Territory, August 6, 1903.

Maria Boudinot,
Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting your application for the enrollment of yourself, and granting the application for the enrollment of your minor child, Alexander Boudinot, Jr., as a Cherokee freedman.

There has heretofore been furnished your agent, I. P. Biedsoe, Chouteau, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Rec. L-7
Register.

COPY.

Cherokee Freedmen.
D-341

Muskogee, Indian Territory, August 6, 1903.

I. P. Blosser,

Agent for Maria Boudinot et al.,

Choutcau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Maria Boudinot for the enrollment of herself and granting her application for the enrollment of her minor child, Alexander Boudinot, Jr., as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Enc. L-8
Register.

Refer in reply to the following:
LAND
30777-1903.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, June 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Maria Boudinot, for the enrollment of herself and her minor child Alex. Boudinot, Jr., as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this case finding that the said Maria Boudinot made personal application before it for the enrollment of herself and said minor child, and that the application also included Alex. Boudinot, Sr., but that as he is differently classed, his case is not embraced in this decision. The Commission further finds from the evidence that the applicant, Maria Boudinot, was a slave of a Cherokee citizen at the commencement of the Rebellion, and that she left the Cherokee Nation during the Rebellion, and did not return thereto until February 1867. The Commission further states that her name is not found on the 1880 authenticated Cherokee roll. It is further decided on the evidence that the applicant Alex. Boudinot, Jr., was about one year old at the date of this application; that he is the son of Maria and Alex.

Boudinot, the latter of whom is identified on the 1880 authenticated Cherokee roll and that he has resided in the Cherokee Nation for about twenty years immediately preceding the date of this application, and that the said Alex. Boudinot, Jr. has resided in said Nation continuously since birth.

By reason of the foregoing facts and findings the Commission is of the opinion that Alex. Boudinot, Jr. should be enrolled as a Cherokee freedman in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats. 495), and that the application for the enrollment of Maria Boudinot as a Cherokee freedman should be denied, under the provisions of said Section 21.

I have examined the testimony submitted in this case on behalf of these applicants, and there seems to be no question but what the said Alex. Boudinot, Jr. should be enrolled as a Cherokee freedman citizen of the Cherokee Nation, but as to that part of the decision of the Commission denying the application of Maria Boudinot, I am not so certain.

She testifies that she is twenty-four years old; that her father's name was Cornelius Bacon, that he is living; and that her mother's name was Julia Bacon, but that she is not living; that her husband Aleck Boudinot is living, and that his name is on the 1880 authenticated roll of the Cherokee Nation, which latter statement is substantiated by the statement of the Commission. She further testifies that she has heard of a woman named Jennie Boudinot, the former wife of the said Aleck Boudinot, and that she is now living, and on

cross-examination she testifies that the said child was born before she married the said Mack Boudinot. Witness then testifies that she was born in the Nation and has lived there ever since, excepting nine months when she was going to school in Kansas. Her father, Cornelius Brown, testifies that he is fifty-four years old, and that he is a Chickasaw citizen; that his said daughter was born in the Cherokee Nation where she has lived all her life. He further testifies that he has known his wife, Celia Martin, ever since 1858, and that she remained in the Nation up to the time of her death. He further testifies that his wife belonged to Joe Martin, a Cherokee citizen, but he does not know about her having been taken out of the Nation during the war, or when she returned.

Allen Lynch, the next witness, testifies that he is sixty-one years old; that his name is on the 1880 Cherokee roll, that he knows Maria Boudinot, and also knew her mother, Celia Martin; that the said Celia Martin was a slave and belonged to Joe Martin at the close of the war, but states that he does not know when she came back to the Nation after the war.

The witness Columbus McNair testifies that he is fifty-one years old; that he knows Maria Boudinot; that her mother was Celia Martin, who married Cornelius Brown; that the mother of the applicant was a slave and belonged to Joe Martin, who was a Cherokee citizen, and that he never saw her until February 1867, down on Fryer Creek with Jess Brown. Witness further testifies that he knows the said Celia Martin continued to live in the Cherokee Nation until her death, and died while a resident therein, and that he knows her said child,

Marie Boulanger, was born in the Cherokee Nation. On being recalled, the said witness further testified that he knew Eddie Martin before the war; that she lived down on Cabin Creek at "Old man Joe Martin's" and belonged to him.

I do not consider that this testimony establishes the fact that the mother of Marie Boulanger complied with the provisions of the treaty of 1866; nor do I consider that the testimony shows that she did not comply with said provisions. It is very apparent that Eddie Martin was a resident of the Cherokee Nation many years ago, and it is possible that she may have returned to the Nation within the proper time. In other words, I do not consider this testimony satisfactory so far as she is concerned, and if there is any testimony to be had which will clearly show either that she did return to the Nation within the proper time or that she did not so return, it ought to be made a part of the record in this case. The Nation does not present any testimony adverse to the claim of the applicant, although the attorney for the Nation was present at the examination of the witnesses called.

I am of the opinion that this case ought to be remanded to the Commission, and that it be directed to give notice to both the applicant and the attorneys for the Nation, that any additional testimony they may have throwing new light upon the claim of this applicant will be heard at a time to be determined by the Commission.

As to what rights this applicant, Marie Boulanger, may have as an intermarried Cherokee freedman is not passed upon at this time.

Very respectfully,

W.C.B -L.C. (Signed) W. A. Jones, Commissioner.

[illegible]

May 2, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the record in the matter of the application of Maria Boudinot (Cherokee freedman D-641), for the enrollment of herself and her minor child, Alexander Boudinot, Jr., as Cherokee freedmen, which you transmitted August 8, 1903, with your decision of July 1, 1903, in which you denied the application as to her, and held that her child was entitled to enrollment. Her husband, Alexander Boudinot, for whom application was also made, was differently classified, and is not included herein.

Reporting in the matter January 18, 1904, the Acting Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, so far as it affects Alexander Boudinot Jr.

It appears that the principal applicant was born in the Cherokee Nation about 1877, and has resided therein all her life, except during an absence of nine months while attending school in Kansas. She claims that she was married July 1, 1900, to said Alexander Boudinot,

whose name appears upon the authenticated roll of 1880. The applicant herself is not identified upon that roll. It further appears that her father, Columbus Rhoan, claims citizenship in the Cherokee Nation, although he has resided for many years in the Cherokee Nation. Her mother, Celia Rhoan, formerly Martin, was the slave of a Cherokee citizen named Joe Martin, at the outbreak of the civil war, during which she was taken to Kansas. According to the testimony of Columbus Rhoan, upon both direct and cross examination, it is shown that she returned to the Cherokee Nation in February of 1867. This witness did not state, nor was he asked, in what part of February she returned.

Your decision of July 1, 1903, contains the following paragraph, referring, it is supposed, to Celia Rhoan, formerly Martin, viz:

"The evidence shows that the applicant, Maria Boudinot, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation during the rebellion and did not return thereto until February, 1867. Her name is not found on the 1880 authenticated Cherokee roll."

From the statement of facts given above, it is apparent that the name, Maria Boudinot, is used erroneously in the foregoing paragraph. If you had reference therein to her mother, Celia Rhoan, or Martin, your finding of facts that she "did not return thereto until February, 1867", is not sufficient to warrant the conclusion that she failed to establish a residence in the Cherokee Nation within the time prescribed by the treaty of 1866, which, according to the opinion of the Assistant Attorney General of January 13, 1904, was February 11, 1867. By reason of this error, it is also uncertain as

to them yet rather than you say "her name is not found on the 1880 authenticated Cherokee roll."

Further investigation is necessary to permit the applicant to show, if possible, that her mother's return to the Indian country prior to February 11, 1867, and to determine whether or not the name of Celia Bacon, or Martin, is found upon the 1880 roll. The record in the case is accordingly returned herewith.

This further investigation will not, however, necessitate further delay concerning the enrollment of Alexander Benimat Jr.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

2 inclosures.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 25 1902

4 10841.

Marriage certificate

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 2 1901

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Murphy J 5/31/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Mariah Brashear et al

for enrollment as Freedmen *of the Cherokee Nation.*

Cherokee FD *No.* 844

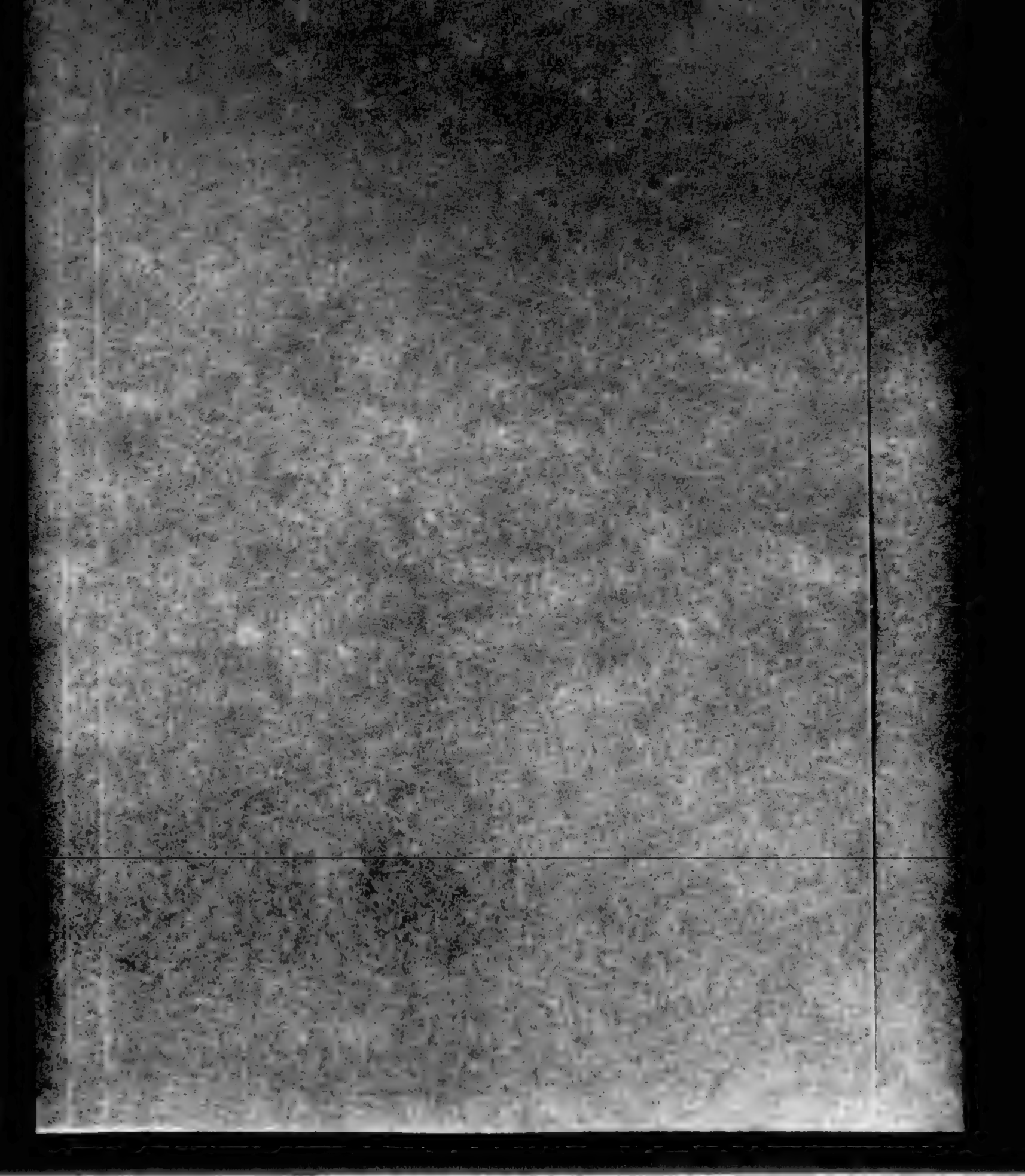
Department of the Interior.
Commission to the Five Civilized Tribes.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 2 1902

844



FILED
JUN 19 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 8th 1901.

In the matter of the application of Peter Hudson for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, Attorneys for the applicant.

W. W. Hastings, Attorney for the Cherokee Nation.

(Examination by Com'r Needles)

Q What is your name? A. Peter Hudson.
Q How old are you? A. I dont know,sir how old I am.
Q Well about how old are you? A. 70 or 75.
Q What is your post office address? A. Eufy.
Q In what district do you live? A. Goowoescoowee.
Q Do you want to be enrolled as a Cherokee Freedman?A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. Just myself.
Q Is your name on the 1880 roll? A. I dont know sir.
Q Is it on any of the rolls of the Cherokee Nation? A. On the Wallace and Kern Clifton rolls.

The Kern Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 144 No. 3564, Peter Hudson, Goowoescoowee district.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 118 No. 2402, Peter Hudson, Goowoescoowee district.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

By Mr. Mellette?

Q Were you a slave prior to the war? A. Yes sir.
Q Who owned you? A. Susie Hudson.
Q Was she a Cherokee Indian? A. Yes sir.
Q Where did she live? A. On Neosho river.
Q Did you leave the Cherokee Nation during the war? A. Yes sir.
Q Where did you go? A. To Kansas.
Q What place? A. Fort Scott.
Q When did you return to the Cherokee Nation? A. I came back in the spring in '66.
Q There to? A. On Hudson creek.
Q Where is that? A. East of here, runs into Neosho river.
Q Where have you lived since you came back here in 1866? A Part of the time on Hudson creek, and my home part of the time has been on Big creek.

Peter Hudson 3.

Q Have you ever been out since you came back in '66? A. No sir.
Q Have you a place on the Public Domain of the Cherokee Nation? A. Yes sir.

By Mr. Hastings:

Comes now the representatives of the Cherokee Nation and object to this question because it does not tend to prove a compliance of the applicant with the treaty stipulations.

By Com'r Needles:

The objection is over-ruled--you can ask the question

By Mr. Hastings:

We desire the objection noted.

By Mr. Mallette of applicant:

Q What was your answer to my question? A. I have a place on Big creek.
Q How long have you owned it? A. I dont know---I cant tell.
Q How many children have you living of your own? A. Two.
Q What is the names of your children who are living? A. Sarah and Billy Hudson.
Q How old is Sarah? A. She was born before the war.
Q Did she come back the same time you did? A. Yes sir.
Q What is the name of the other one? A. Billy.
Q How old is he? A. Older than she is.
Q Was he born a slave? A. Yes sir.
Q Who was her owner? A. Susie Hudson.
Q Was Sarah born a slave? A. Yes sir.
Q Who was her owner? A. Susie Hudson.
Q Did they both come back to theCherokee Nation with you? A. Yes sir.
Q Who did you come back to this country with? A. Come with me and my family.

By Mr. Hastings:

Q About how old are you? A. I dont know how old I am, guess about 77 or 78 years old.
Q Where did you live before the war? A. On Neosho river.
Q What town is near there now? A. I dont know, closest is Baxter Springs I guess.
Q How far did you live from the line---the State line? A. I don't know.
Q How long did you live up there before the war? A. I dont know that either.
Q You were living there when the war commenced? A. Yes sir.
Q When the fighting commenced? A. Yes sir.
Q Did Susie Hudson have a husband? A. Yes sir.
Q What is his name? A. Alfred Hudson.
Q Was he living then? A. Yes sir.
Q Did she have any family? A. She had a son living then.
Q What was his name? A. Thomas Hudson.
Q What kind of a farm did they have? A. A prairie farm.
Q What kind of a house did they live in? A. Log house.
Q Did it have two rooms? A. Two rooms.
Q Where did they get their water, from a spring or a well? A Spring.
Q Did you know a man called Mr. Hudson then? A In part.

Peter Hudson -2-

Q Where did he live? A. In Hayesville, or down on the Five Mile.
Q How far was Hayesville from where he lived when the war commenced? A. 35 or 40 miles I guess.
Q How did you happen to get acquainted with Dr. Hayden? A. Well that makes a whole kind of a long talk.
Q Well that is what we will have to have them whole for I want to know just how you became acquainted with him? A. Well we had a mighty terrible spell of sickness in the family at Hayesville and they need Dr. Hayden as a doctor and we treated them all and then he had to be paid, and in paying him they let him have a nephew of mine named Ben for part pay and he let my old boss have 90 head of cattle in the trade, that is how I come to know him. I dont think it is any necessary use to bother about that any more except I have got a man here in town that can prove that I was not sold to him myself, it was a nephew of mine. I know that here, Hayden's son that said that I was sold but I wasn't.
Q You deny them that you were sold to Dr. Hayden? A Yes sir.
Q Were you living with Hudson or with Hayden when the war commenced?
A I never lived with Hayden in my life, no sir not in my whole life.
Q Did you ever work for him? A. Not a day in my life.
Q Who were some of your neighbors at the time you lived with the Hudsons when the war commenced? A. There was Jim Sebrin lived within five miles of the.
Q Is that Scott Sebrin's father? A I dont know Scott Sebrin.
Q Any one else live there? A. Thomas Hudson.
Q Is he living? A. They tell me he is not.
Q Any one else outside of the Hudson family? A. A white family lived there named Berry.
Q Any other Cherokee family? A. No sir I dont know of any,
Q Where did you go when the war commenced? A. To Kansas.
Q To what town? A. Fort Scott.
Q Were you in the army? A. No sir.
Q What did you do in Fort Scott? A. Worked around at most any kind of common labor.
Q You just came back with your own family? A. Yes sir my family and me came together.
Q You didn't have any witnesses in the Kern Clifton court did you? A No sir, I made a mistake in that court, I was very deaf and cant hear and I didn't have any witnesses.
Q Where did you first come to after the war? A. On Hudson creek.
Q Was that near the old place? A. Yes sir.
Q Right at the old place? A. Not right at it.
Q How far from the old place? A. 8 or 10 miles on the prairie.
Q From the old place? A. Yes sir.
Q Did you build a house there? A. No sir, I lived in a tent.
Q No one living around you? A. No sir.
Q How long did you stay there? A. Cant tell you just how long.
Q Well about how long? A. 3 or 4 months, maybe longer.
Q You came there at what time of the year? A. In the spring of the year
Q Well was it March, April or May? A. Some of these months, I dont know exactly.
Q And you staid there until after Christmas? A. No sir.
Q About what time did you leave there then? A. A good while, I dont know when I went away from that place for I didn't have nothing to study about dates them days.
Q What were you doing there? A. I was living up there.
Q Farming any? A. I didn't work there.
Q Do you mean to say that you went up there and just squatted down there and did nothing during these hard time? A Yes sir I just lived there, I didn't have any work to do around there.

Q What did you live on there? A. Plenty to live on there, a man never needed to starve.
Q Well what did you live on then? A. Dennis and Mathew Fields was in there then and come and stayed there with me all that time.
Q Were they Shoshones? A Yes sir.
Q They are dead? A. Yes sir, that is what you told me.
Q Did you all live in a house there on Hudson creek? A. No sir, there was not a house to be seen around there.
Q How far from the Hudson line was that? A. I dont know.
Q How far from the old Mouth Bentley ferry? A. It must have been 10 or 12 miles from where a ferry was, I dont know that ferry you speak of, I know where old Jack McLain had a ferry.
Q Near where the old Military road crossed the river? A. Yes sir.
Q How far was it from that? A. 10 or 12 miles.
Q Where did you go to from that place? A. I went from there to what is called West Gobbin.
Q When you were on Hudson creek, were you on the prairie? A. I was on the creek--kind of a patch of timber and brush on the creek.
Q You come to West Gobbin then,--how far from Vinita? A I dont know.
Q How long did you stay there? A. Must have stayed there three or four months.
Q Locate the place on West Gobbin that you were, as near as you can? A It has been so long I dont know how to give you the plce we settled, there wasn't no one else around there.
Q No neighbors at all? A. No sir.
Q Were there any Shawnees there? A. No sir, only the two men that I spoke of that was with me.
Q What two? A. Dennis and Mathew Fields.
Q What did you do for a living there on West Gobbin? A. Lived on anything I could get to eat; those men had some stuff and we lived on that and them what we could get around there.
Q You didn't see any white folks there? A. No sir.
Q Dont you know who lives there now on West Gobbin? A. No sir I dont know who lives there now.
Q Dont know the town that is located near there now do you? A. Vinita I guess, I reckon it is, I dont know.
Q You dont know how far from where Vinita is now it was? A. No sir.
Q You dont know in what direction that place is from where Vinita is now? A. No sir, north or north-east I guess.
Q You had no colored neighbors there either? A. No sir.
Q Just in a tent or in a house? A. In a tent.
Q And you didnt work there either? A. No sir.
Q Where did you go from there? A Went to Big creek.
Q What time did you land at Big creek? A. I dont know, I went there in the fall or winter like, though.
Q What year? A. I dont know what year, never knew anything about the years.
Q Never did think of the years then did you? A. No sir, I thought that I was at home and there wasn't any need of studying about the years; never was educated about the time and the years and never paid no attention to it then; never had to study about it.
Q Did you ever go to Tahlequah to court and get your rights proved up? A Did once.
Q You were not put upon the roll were you? A. You know if I am upon the roll or not.
Q Since you went up on Big creek, have you lived there ever since? A. Yes sir, on Big Creek.
Q At the same place where you first stopped? A. Two miles from there.
Q Was Jim Martin living there then? A. I dont know where he was living.
Q Didn't you say before the Hon Clifton court that he was living there? A I said that I found him there.

Peter Hudson - 8.

Q What Cherokee did you see when you went there? A. Jesse.
Q What Delawares? A. I saw seven but I don't know their names.
Q You saw seven though? A Yes sir.
Q You have lived close to Jim Martin ever since? A Yes sir.
Q Where did you see Anderson Lynch after the war for the first time?
A They run in on to my camp on Cabbin creek after I had left Hudson creek.
Q Who was with Anderson Lynch? A All and Drew was together.
Q Any one else? A. May have been some one else.
Q You didn't remember that five years ago did you? A. I didn't think was.
Q You never said anything about it then did you? A. Was never asked about it then.
Q Where were they going when they run across your camp? A. I dont know, they never told me their business.
Q How long did they stay with you? A. All night.
Q What time of the year was that? A. In the fall of the year, winter some time. I dont know which.
Q And you dont know what you it was either? A. I dont know anything about it.
Q When did you see Sam Webber first? A. I saw him on Big creek.
Q The first time you went there? A. Yes sir.

By the Commission-

Q Do you know the reason your name is not on the 1896 roll? A. I don't know the reason, guess they would not put it on.

By Mr. Mellette:

Q The place that you came to in 1866, or after the war, was it the same place that you went from to Kansas? A. Ten miles above there.
Q Was it in the Cherokee Nation? A. Yes sir.

ALLEN STACK, called and sworn by Commissioner T. B. Needles, testified as follows for the applicant-
(Examined by the Commission)

Q What is your name? A. Allen Lynch.
Q How old are you? A. 62.
Q What is your post office address? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q [illegible] A. Yes sir.
Q [illegible] A. Yes sir.
Q Do you know the applicant here, Peter Hudson? A. Yes sir.
Q How long have you known him? A. Before the war.
Q Was he a citizen? A. Yes sir.
Q To what did he belong? A. He belonged to old man Hudson on Verdigris [illegible]
Q [illegible] A. I dont know.
Q [illegible] A. Yes sir.
Q [illegible] A. Yes sir.
Q [illegible] A. I don't know.
Q [illegible] A. On Cabbin creek.
Q [illegible] A. Yes sir.

Peter Rogers 6.

Q What was that? A. In the winter of '96.
Q In the early part or the latter part of the winter? A In the [illegible]
part of the winter.
Q Where has he been living since? A.I passed his house once since he
lived there.
[illegible]
Q Did he have his family with him that first time you saw him? A.
Yes sir.
Q Was he living in a house then? A. Camped with his family.

By W. V. Hastings:

Q What place on Sabbin creek did you see him? A. Just below the [illegible]
ahar place.
Q How far below it? A. I dont know exactly, we were hunting there and
ran on to him
Q How far from your place? A. 17 or 18 miles.
Q Was he just camped in a tent? A. Yes sir, camped and had his wagon—
I dont remember if he had a camp.
Q How long did you stay there? A Got over on here.
Q Where were you going hunting? A. The country was generally settled then
and we hunted all over there.
Q As early as '96 were you not a good ways from home on a hunting trip?
A No sir we lived at the mouth of Bull creek then.
Q Couldn't you have hunted nearer home than that? A. Yes sir we could
have.
Q You didn't appear as a witness for Mr. Hudson five years ago did you
A No sir.
Q Didn't you remember this fact then? A. Yes sir.
Q You remember that it was in the winter of '96 ? A Yes sir.
Q You never saw him for a number of years after that? A. No sir.
Q And you were just up there hunting and happened to run on to him?
A Yes sir.
Q Did Uncle Peter give you anything for testifying for him? A No sir
not a cent.
Q Didn't you tell him about having seen him up there? A. No sir he
asked me if I was not one of the fellows that had been up there hunting
that time and came across his camp.
Q Who else was with you that time? A. Greg, and Art Williams, Bob Bennett
and Alex Hunt.
Q Was this last one a colored man or a Cherokee? A. Cherokee.
Q Any one else along? A. No sir, Sam Whitmire.

ANDERSON LYNCH, called and sworn as a witness testified as follows
for the applicant: (promised by Com'r Breedlove)

Q What is your name? A. Anderson Lynch.
Q How old are you? A. 64.
Q What is your post office address? A. Vinita.
Q Are you a recognized freedman of the Cherokee Nation? A. Yes sir.
Q Are you on the roll of 1880? A. Yes sir.
Q Do you know the applicant, Peter Hudson? A. Yes sir.
Q How long have you known him? A. Since before the war.
Q Did you live between the Verdigris and the mouth? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Was [illegible] in the house.

Peter Rodgers To

Q Were they Cherokee children? A. Yes sir.
Q Was it in the Cherokee Nation that you knew him? A. Yes sir.
Q Do you know if he went out of the Cherokee Nation during the war?
A He must have went out, when I saw him next it was in Kansas.
Q During the war? A. Yes sir.
Q What point in Kansas? A. Fort Scott, where we all broke up at.
Q Do you know did he returned to the Cherokee Nation? A. NO sir I don't
Q When did you first see him after the war? A. I seen him on Little
Caney.
Q In that in the Cherokee Nation? A. Yes sir.
Q What yr was that? A. That was long in the winter of '66.
Q Fore part or latter part of the winter? A In the fore part.
Q Where did you see him? A. The other side of Vinita on Oaklin.
Q Did he have his family with him? A. Yes sir, there were several in
a wagon, I never noticed them much.
Q Were they in a house? A. No sir, not in a house.
Q Do you know if he has lived in the Cherokee Nation ever since that
time continuously? A. Yes sir I have heard of him up on Big creek.
Q Have you ever seen him since? A. Yes sir at seven mock.

By W. W. Hastings:

Q Where did you see Peter Rodgers before the war? A. At Fort Scott.
Q Was that the first time that you ever saw him? A. No sir on Hudson
creek.
Q You never saw him up to the time the war broke up did you? A. No sir
Q Then your testimony as to his ownership before the war was simply
what you knew about it some years before the war? A. Yes sir.
Q You didn't every him just at the time the war came up? A. I didn't
see him then, I knew him though.
Q But you had not seen him for several years before the time the war
came up had you ? A No sir until I saw him at Fort Scott.
Q What direction was it from Vinita that you saw him that time you were
hunting? A. East of Vinita, below John Landrum's place.
Q How many miles from Vinita? A. Two,miles.
Q Did John Landrum keep a house up there ? A. There was a house owned
by the Landrums, there was a Cherokee fellow with us and he said that
it was the John Landrum place.
Q Two miles from Vinita? A. Yes sir where Rattles is living.
Q You saw a house there? A. Yes sir, a log house.
Q How long did you stay there? A. Not over two hours.
Q Have you a positive recollection as to the year it was?A. Yes sir in
'67, in the winter.
Q Do you remember all of the people that you saw in '67? A. Yes sir I
remember a good many.
Q Are you willing to swear that this man was there two miles east of
Vinita on Oaklin creek in the winter of '67? A. Yes sir.
Q What were you doing up there? A. Hunting.
Q Who was with you? A. Bob Hastings, a Cherokee fellow we called Josiah
Bushyhead, Ab, and Art Williams.
Q Was that all? A. That is all that I can remember.
Q Did you come up together this way? A. Yes sir we came up this way.
Q In the same conveyance we was in? A. Yes sir.
Q How far was that from your home? A. 4 or 5 miles, I reckon.
Q From your home? A. Yes sir.
Q Did he have any with him there? A. No sir.
Q You don't know how long he had been there? A. No sir.
Q You don't know what he had been doing? A. must have been traveling.
Q You did never see him at work at anything in the camp? A. Nothing at

Peter Rodgers #4

Q I know of.
Q You could move it if he had wanted to you? A. Yes sir.
Q Did he promise to pay you anything? A. No sir. He will pay me enough to pay my board with anything I guess.
Q Have you got a contract with him for pay? A. No sir.

By the Commissioner

Q There was no town of Whitta was there when you saw this man? A. No sir no town or railroad.

SAM WEBBER, called and sworn testified as follows on the part of the applicant: (Examined by the Commission)

Q What is your name? A. Sam Webber.
Q What is your post office? A Vinita.
Q What is your age? A. 61 I reckon.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know the applicant Peter Rodgers? A. Yes sir.
Q How long have you known him? A. got partly acquainted with him before the war and better after the war.
Q Was he a slave? A. He told me he was.
Q You dont know of your own knowledge to whom he belonged? A. No sir.
Q Did he go out of the Cherokee Nation during the war? A. Yes sir to Fort Scott.
Q What did you see him after the war and where? A. On Big Creek.
Q In the Cherokee Nation? A. Yes sir.
Q About what was it? A. As near as I can remember it was in the fall of '67, long in by time, when we was putting up hay.
Q Where at? A. Big creek, Cherokee Nation.
Q Was he living there then? A. No sir just came and looked after a location to make him a home.
Q That was the first time you saw him after the war? A. Yes sir.
Q Do you know when he first came back? A No sir.
Q That was in the fall of '67 that you saw him? A. Yes sir, that was when he came up there where we was.
Q He came where you were? A. Yes sir.
Q Who was with him when you saw him? A. I dont remember , several of us were living there.
Q He came to where you were living did he? A. Yes sir.
Q [illegible] Creek? A Yes sir.

APPLICANT re-called and examined by W. W. Hastings:

Q I want to know as near as possible how far from the old Rodgers place you returned to in the spring of '66——as near as you can give it? A. I cannot things is pretty hard for me to get at, old man as I is, trouble and growed fat with no education. Seems to me creek runs round to the south east ——
Q I mean where you first returned from the old home place? A Must have been a little south west of the old place.
Q About how many miles? A. What have been 8 or 10 miles or so.
Q Did you go to the old home place? A I did come to the old home place after I went down to Fayetteville.

Peter Hudson Co.

Didn't you go there [illegible] old place was when you [illegible] living there
[illegible] A. [illegible]
Did you see Jim Ozmun there? A. No sir.
Don't you know if your old master was there then or not? A. No sir I
don't know.

By Com'r Needles,-

Peter Hudson applies for himself; he is not identified on the authenticated roll of 1851 or the census roll of 1852; he is only identified on the Mann Guyton and Wallace rolls; He avers that he was a slave of a Cherokee citizen named Hudson and that he returned to the Cherokee Nation in 1866; said Peter Hudson will be listed for enrollment as a Cherokee Freedman on a doubtful card awaiting the further consideration of the Commission, and when the final decision is arrived at he will be notified of the same by mail.

• • • • • • • • • • • •

I, [illegible], being sworn state that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the forgoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 16th of June, 1901 at Muskogee, I. T.

Commissioner.

B. H. J. 604

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 8 - 1901

Post Office Tahlequah, I.T.

District Illinois

1. Name Peter Hudson Age 56

Owner's name Emma Hudson Citizenship Cherokee

Year K. R. Page 144 No. 356 District Illinois

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Doubtful Citizenship Doubtful

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Not Stenographer Thos. McNeese

on Delaware Roll P. 118 Illinois, Cher. Nat.

Reported by [illegible] Muskogee, Indian T.

500
1,000
500,000

150
2400
60000
300
360,000

460

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 8th, 1901, in the matter of the application of Peter Hudson for the enrollment of himself as a Freedman of the Cherokee Nation.

W M McClellan

Attorney for Applicant.

Cherokee F. #D604.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901.

Given under my hand this..... day ..... A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of ..... 1901.

SEP 18 1901

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

FILED
SEP [illegible] 1901

NOTICE!

IN THE MATTER OF The application of Peter Hudson for enrollment as a Cherokee Freedman:

Case No. F. D. 604

To Peter Hudson or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on the following dates, to-wit: Oct. 4th A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen. at 8 o'clock A. M.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901 day of , 1901.

L. B. Bell
W. M. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

E

I D 604

D. D. 604

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 190__.

Given under my hand this _____ day of _____ A. D. 190__.

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of 2-10 190 7

Thomas H. Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to _____

on the _____ day of _____ A. D. 190__.

Subscribed and sworn to before me this _____

_____
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 13 1902

NOTICE!

IN THE MATTER OF the application of Peter Hudson for enrollment as Cherokee Freedmen:

Case No. F. D 604

To Peter Hudson or Mollette & Smith his attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

F. D. 604

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this ..... day of ..... A. D. 190 .

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of 9-1 190 7.

Millie Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 3 1902

7
7 D 604

NOTICE!

IN THE MATTER OF the application of Peter Hudson,
for enrollment as Cherokee Freedmen:
Case No. F. D 604

To Peter Hudson or Mellette & Smith, his Attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 28, 1902.

L B Bell

W. W. Hastings

Jas. L. Davenport

Attorneys for the Cherokee Nation.

[redacted]

[redacted]

[redacted]

Docket D [illegible]

[illegible] of the Indian
Cont[illegible] the Five Civilized Tribes,
[illegible]s, I. T., May 31, 1[illegible]

In the matter of the application of [illegible] ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible], Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209, filed in the Mariah Hayden case D D 406, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible] Hayden, D 406;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedman	D		604
William Hudson, et al.,.....	"	"	D	606
Peter Ward, et al.,.....	"	"	DD	613
Abraham Ward, et al.,.....	"	"	DD	607
Ben Ward, et al.,.....	"	"	DD	616
Squire Ward, et al.,.....	"	"	DD	615
Sadie Ward,.....	"	"	D	606
David Ward,.....	"	"	D	619
George Ward,.....	"	"	DD	495
Alonzo Ward, et al.,.....	"	"	DD	605
Will Ward, et al.,.....	"	"	DD	610
Berry Ward,.....	"	"	DD	611
Lena Ward, et al.,.....	"	"	DD	1117
Malinda Williams, et al.,.....	"	"	D	618

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artee Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Ezra and Elnora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al, is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artee Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

-2-

It is, therefore, the opinion of this Commission that [illegible] Ward, [illegible] Ward, [illegible] Ward,

COPY.

Cherokee Freedmen
R-664, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Ezra, Elnora, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Beleia Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. M-8.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-604.

Muskogee, Indian Territory, August 24, 1905.

Peter Hudson,

Ruby, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, granting, among others, your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. E-148.

Register.

COPY.

Cherokee Freedmen
Dockt of the

Muskogee, Indian Territory, August 24, 1909

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1905, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Ezra, Elmera, Will, Gracie, Frances and Barry Ward, Melinda, Monroe and Dalois Williams as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Encl. D-150

COPY.

Chickasaw Freedmen
Peter Hudson et al.

Muskogee, Indian Territory, August 24, 1903.

Edgar Smith,
Attorney for Peter Hudson et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Rachael, Lura, Elnora, Will, Oracle, Frances and Perry Ward, Malinda, Monroe and Dalsie Williams as Chickasaw freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

[redacted]

[redacted] made known to you as soon as the Commission is informed of the entry.

[redacted]

T. E. Needles.

Commissioner in Charge.

Misc. D-160
Register.

Refer in reply to the following:
Land.
32270-1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1903, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Ezra, and Elnora Ward and for his wife, Mahala, as an unmarried freedman; Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself Lena Ward for herself and child, Roxie Beesen; Malinda Williams for herself and her children, Monroe and Beleis Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Malinda Ward. In a decision dated July 16, 1905, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Minnie, Martha, Clarence, Neal, Myrtle, and Edna Ward and Rosie Hudson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the

slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1863, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1902, he testified that he was 56 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his own issue, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the mentioned persons in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "forty some odd years" of age. Squire Ward, Joseph, Jennie and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Hays, deceased, the record shows, was the daughter of David Hays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitmires." From the record the minor applicants last mentioned do not appear to be entitled to enrollment

by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Hays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1902, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonzo Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 38 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonzo Ward and his children, Savannah, Ezra, and Elnora, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children,

Francis, and Dewanee, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman" and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to

enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vernie, Martha, Clarence, Neal, Myrtle, and Lena Vann, and Bessie Beaver, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-B

D C 14361-1904. GOVT WOY

I.T.D. 3254-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. FHE

April 29, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604, et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Dawson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Don, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Mary, Minora, Will, Gracie, Frances and Harry Ward, and Malinda, Monroe and Dalcie Williams.

Reporting April 18, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application includes the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

Under a decision to to the rights of Mahala Hunt, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-604.

Muskogee, Indian Territory, May 11, 1904.

Peter Hudson,

Ruby, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Ernie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Ezra and Elnora Ward, Malinda, Monroe and De Loia Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Mara and Elnora Ward, Malinda, Monroe and Debbie Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

NOTICE.

Cherokee · Freedmen · Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Peter Hudson,
Muskogee, I. T.
Cherokee-F-D-004.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.



FILED
JUN 10 1901

. . . . . .

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 6th 1896.

In the matter of the application of William Hudson for the enrollment of himself, wife and five children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Melissia A Smith attorney for the applicants.

W. W. Hastings , Cherokee representative.

(Recognized by Dawes Roster)

What is your name? A. William Hudson
How old are you? A. I don't know my age.
About how old are you? A. 48 or 5.
What is your post office address? A. Vinita.
What district do you live in? A. Coowescoowee.
Are you a recognized citizen of the Cherokee Nation? A. I guess I is
Are you on the 1880 roll? A. No sir.
Are you on the Wallace and Bell Clifton roll? A. Yes sir.
Who do you desire to have enrolled besides yourself? A. My wife and five children.
What is the name of your wife? A. Edith
How old is she? A. 35.
What are the names of your children? A. Emmy
How old? A. 10.
Next? A. Levi.
How old? A. 8.
Next? A. Wilburn.
How old? A. 4.
Next? A. Ida.
How old? A. 2.
Next? A. Ivory.
How old? A. 4 or 5 months.
Are these children all alive and living with you now? A. Yes sir.
What is your father's name? A. Peter Hudson.
Did he ever (had had) been listed for enrollment? A. Yes sir.
What is your mother's name? A. Charity Hudson.
Is she alive? A. No sir.
Is your wife a Cherokee freedman? A. Yes sir.
Is her name on the roll of 1880? A. No sir.
What is the name of her father? A. Abraham Ward.
Is he living? A. Yes sir.
What is your wife's mother's name? A. Caroline Ward.
Is she alive? A. No sir.
Is your wife's name on any of the rolls of the Cherokee Nation? A. Both Clifton and Wallace rolls.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant and his wife not found thereon.

The 1880 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Wallace and Clifton roll of the Cherokee Nation examined and the names of the applicants found as follows:
[illegible] No. [illegible] Bell Hudson, Coowescoowee district.
[illegible] No. [illegible] Ellen Ward, Coowescoowee district.
[illegible] No. [illegible] Emmett Ward, Coowescoowee district.
[illegible] No. [illegible] Lucy Ward, Coowescoowee district.

No. [illegible] 24

Witness roll examined and the name of the applicant and his wife found on Dawes'
Page 119 No. [illegible], Mr. Hudson, Tenn[illegible] district.
Page 151, No. 2116, Miss Ward.

Q Were you ever married before you married this wife? A. Yes sir.
Q What was your first wife's name? A. Hannah Hilton.
Q Is she alive? A. No sir.
Q Are you Hilton's first husband? A. Yes sir.
Q Are these children all Hilton's children? A. Yes sir.
Q Where were you born? A. Down on Hiwassee river.
Q In the Cherokee Nation? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir, only that I went out time of the war.
Q When did you return? A. I am too much too young to remember, I returned with my father.
Q Have you lived here ever since? A. Yes sir.
Q What proof have you got as to your wife's [illegible]? A. Her father and grand father there.

By W. W. Hastings-

Q What is your mother's name? A. Charity Hudson.

PETER HUDSON called and sworn as a witness, testified as follows on the part of the applicant: (Examined by Com'r Needles)

Q What is your name? A. Peter Hudson.
Q What is your post office address? A. Ruby.
Q Are you the same Peter Hudson who was just enrolled? A Yes sir same Peter.
Q This applicant here is your own sister? A. Yes sir.

By W. W. Hastings:

Q What is his mother's name? A. Charity Hudson.
Q When were you married to her? A. Way in about time, just took up with her like all we did.
Q Who owned her? A. Smith Hudson.
Q The same one that owned you? A. Yes sir.
Q Where was this boy born? A. In the Cherokee Nation, on Hiwassee river.

By the Commission

Q William [illegible] born with you sir or? A. Yes sir.

By Com'r Needles.-

William Hudson applies for himself, his wife Hilda and [illegible] children, Beneth, Levi, Hilbern, Ida and Percy. His name appears on the [illegible] roll of 1896 of the Cherokee roll of 1880, he is over [illegible] and was born [illegible] and United [illegible]. His wife is [illegible] and her name appears on the [illegible] roll of 1880 or the census roll of [illegible] and is identified as

No. [illegible]

the Kezzi Clifton and Wallace Tells as Ward that having been her maiden name. His two oldest children, Emmett and Levi are identified on the Kezzi Clifton Roll. He swore that he is a son of Peter Endsley who has this day been enrolled as a Cherokee Freedman on D. Card #804, and the testimony taken thereon will be made a part of the record in this case and a copy of same will be filed herewith. He makes satisfactory proof as to residence. He swore that his wife Eliza is a child of Abraham and Caroline Ward, of the said Abraham Ward has not yet been listed for enrollment, but is present awaiting the same and the testimony taken in the case of the said Abraham Ward will be made a part of this application for the wife, and made a part of the record herein. Consequently the said William Endsley, and his wife Eliza and their five children as hereinnamed will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting the further introduction of testimony as to the citizenship of the applicants wife through her father Abraham Ward, and also it will be necessary for the applicant to file satisfactory proof of birth as to his three youngest children, their names not being on any roll, having been born since same was compiled. When the final decision of the Commission is arrived at he will be notified thereof by mail.

* * * * * * * * * * * * *

I, Geo. Von Peine, being sworn state that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereto.

Subscribed and sworn to before me this the 15th day of June, 1901 at Muskogee, I. T.

Commissioner.

B. F.D. 605.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

[illegible] JUN 6 - 1902

Post Office Wynnewood

District Coo

1. Name William Hudson Age 43

Owner's name Citizenship

Year K.C. Page 144 No. 3165 District Coo

Parents:

Father Peter Hudson living Citizenship Cherokee

Mother Eliza " Citizenship "

2. Name of wife Eliza Hudson Age 91

Owner's name Citizenship

Year K.C. Page 145 No. 3170 District Coo

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Emmett Hudson Year K.C. Page 145 No. 3171 Dist. Coo 10

4. Bill " Year " Page 145 No. 3168 Dist. " 6

5. William " Year Page No. Dist. 4

6. Ida " Year Page No. Dist. 2

7. Henry " Year Page No. Dist. 5 mo

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No 1 Stenographer Chas Von Wise

No 1 on K.C Roll as Bill Hudson
No 1 on Wallace Roll P. 118 No 2493, Wm Hudson Coo
No " " P. 157 No 3165. Eliza Ward Coo
No 3 on K.C. roll as Emmett Ward
No 4 " K.C. " " Henry "
No 7 on K.C. roll as Eliza Ward
No 5-6-7. Birth certificates required
Rec'd by Dawes Com.
Mail to D 604

CHEROKEE FREEDMAN
1333

IN RE

Application for Enrollment of

INFANT CHILD

Wilburn Hudson

as a citizen of

CHEROKEE Nation.

Approved, JUN 8 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

Acting Clerk.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Wilburn Hudson, born on the 28 day of November, 1896
(Here insert name of child.)
Name of Father: William Hudson, a citizen of the Cherokee Nation.
Name of Mother Eliza Hudson, a citizen of the Cherokee Nation.
Post-office, Muskogee I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Eliza Hudson, on oath state that I am 30 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of William Hudson, who is a citizen, by Adoption of the Cherokee Nation, that a Male (male or female.) child was born to me on the 28 day of November 1896 that said child has been named Wilburn Hudson, and is now living.

her
Eliza + Hudson
mark

WITNESSED TO MARK:
(Must be Two Witnesses)
Will Ward
Grant Rowe

Subscribed and sworn to before me this 30 *day of* May *190*1.

My Commission Expires March 25, 1905
P. O. MAYDEN, I. T.

Wm Madden Jr
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Malinda Williams, Midwife, on oath state that I attended on Mrs. Eliza Hudson, wife of William Hudson on the 28 day of November, 1896 that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Wilburn Hudson

Malinda Williams

WITNESSED TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 30 day of May 1901.

Wm Madden Jr
NOTARY PUBLIC.

CHEROKEE FREEDMAN

1333

IN RE

Application for Enrollment of

INFANT CHILD

Ida Thurman

as a citizen of

CHEROKEE Nation

Approved, JUN 8 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

ACTING CHAIRMAN.

BIRTH AFFIDAVIT. 26

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Ida M. Hudson, born on the 4 day of May, 1899

(Here insert name of child)

Name of Father: William Hudson, a citizen of the Cherokee Nation.

Name of Mother: Eliza Hudson, a citizen of the Cherokee Nation.

Post-office, Hayden I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Eliza Hudson, on oath state that I am 31 years of age and a citizen, by adoption of the Cherokee Nation; that I am the lawful wife of William Hudson, who is a citizen, by adoption of the Cherokee Nation, that a Female child was born to me on the 4 day of May, 1899; that said child has been named Ida M. Hudson and is now living.

her
Eliza x Hudson
mark

WITNESSED TO MARK

(Must be Two Witnesses) Willward
Grant Rowe

Subscribed and sworn to before me this 30 *day of* May, 1901.

My Commission Expires March 25, 1905
P. O. HAYDEN, I. T.

Wm Madden Jr
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Malinda Williams, a midwife, on oath state that I attended on Mrs. Eliza Hudson, wife of William Hudson on the 4 day of May, 1899, that there was born to her on said date a Female child; that said child is now living and is said to have been named Ida M. Hudson.

Malinda Williams

WITNESSED TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 *day of* May, 1901.

Wm Madden Jr
NOTARY PUBLIC

CHEROKEE FREEDMAN
W. 1232

IN RE

Application for Enrollment of

INFANT CHILD

Ivory Thaden

as a citizen of

CHEROKEE Nation

Approved, JUN 7 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

ACTING CHAIRMAN

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Ivory Hudson, born on the 26 day of March, 1901

(Here insert name of child)

Name of Father: William Hudson, a citizen of the Cherokee Nation.

Name of Mother: Eliza Hudson, a citizen of the Cherokee Nation.

Post-office, Nimrod I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Eliza Hudson, on oath state that I am 20 years of age and a citizen, by adoption of the Cherokee Nation; that I am the lawful wife of William Hudson, who is a citizen, by adoption of the Cherokee Nation, that a Male (male or female) child was born to me on the 26 day of March 1901; that said child has been named Ivory Hudson, and is now living.

her
Eliza x Hudson
mark

WITNESSES TO MARK:

(Must be Two Witnesses) Will Ward
Grant Rowe

Subscribed and sworn to before me this 30 *day of* May *1901.*

My Commission Expires March 25, 1905
P. O. HAYDEN, I. T.

Wm Madden Jr
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Malinda Williams, a Midwife, on oath state that I attended on Mrs. Eliza Hudson wife of William Hudson on the 26 day of March, 1901; that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Ivory Hudson

Malinda Williams

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 *day of* May *1901.*

Wm Madden Jr
NOTARY PUBLIC.

FILED
JUN 21 1901

COMMISSIONERS:
MERRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 8th, 1901, in the matter of the application of William Hudson et al for enrollment as Freedmen of the Cherokee Nation.

M M Willett

Attorney for Applicants.

Cherokee F. #D605.

Ind. 605.

AUG

William Hudson 6 F.D 115

[redacted]

In the matter of the application of [redacted] for the enrollment of himself and [redacted] as Choctaws [redacted] to being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A [redacted]
Q How old are you? A 24.
Q What is your postoffice address? A [redacted]
Q In what district do you live? A [redacted]
Q Do you want to be enrolled as a [redacted] A Yes sir.
Q [redacted] A [redacted]

Annie Wall.

Q How old is he? A 18 years old.
Q [redacted] A recognized [redacted]
Q [redacted] A No sir.
Q [redacted] A [redacted]

Wallace roll.

The 1896 enrollment card of the [redacted] was examined and the name of the applicant was found thereon.

The 1896 census roll of the Choctaw Nation, examined and the name of the applicants was found thereon.

The Dawes Citizen roll examined and the name of the applicants found thereon as follows:

Page 126, No. 217, [redacted]
Page 126, No. 218, [redacted]

The Wallace roll of [redacted]

Name of the applicant found [redacted]
Page 112, No. 2168, [redacted]

Q Where were you born? A [redacted]
Q In the Choctaw Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A [redacted]
Q Were they Choctaw Citizens? A Yes sir.
Q Were you taken out of the Choctaw [redacted] A No, sir, or I was liberated I [redacted]
Q Who did you go? A [redacted]
Q No. regiment? A [redacted]
Q Where did you enlist? A [redacted] I was working for the officers, body servant.
Q Where did you go? A [redacted] officers and other [redacted]
Q When did you return to the Choctaw Nation? A In the spring of 1865.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A [redacted]
Q Who was the mother of [redacted]
Q Was she a slave? A Yes sir.
Q To whom did she belong? A [redacted]
Q Is her name on the [redacted] A Yes sir.
Q Is her name [redacted]
Q What did you [redacted]
Q [redacted] A [redacted]
Q [redacted] A Yes sir. I [redacted]
Q [redacted]
Q [redacted] A [redacted]
Q [redacted]

Did you live with [illegible] until her death? A Yes sir.
Who gave you[illegible]? A Jim and [illegible]
And they were [illegible] were they? A Yes sir
by Mr. Balliette:
Have you a place on the Public Domain of the Cherokee Nation?
Yes sir.
How long have you owned it? A Since 99.
by Mr. E. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.
by Mr. Balliette:
You have never lived out of the Cherokee Nation since your return in '97 A No sir.
by Mr. Hastings:
Your father was Peter Ward? A Yes sir.
Are you his son? A Yes sir.
Are you his oldest son? A Yes sir.
You went to Round City Kansas didn't you? A Yes sir after I quit driving government teams.
That is in Knox County? A Yes sir.
Do you know Sandy Lyons? A Yes sir.
Did you see him in Kansas? A Yes sir.
What year did you see him there? A I think it was in '97.
You knew Joe Ward? A Yes sir we two worked together.
He was your young master? A Yes sir.
You saw him in Kansas too didn't you? A Yes sir in '98 when I was driving a Government team he came to our house.
Was that after or before the war closed? A Some year that the war closed, I saw him in Round City and he went up to my father's house. I was living with my father.
You were not married then? A No sir, married shortly after.
What year did you marry? A In the fall of '98, after he was up there.
How old is your oldest child? A He is 21 I think it is according to my judgment.
What time in the year was that oldest child born? A In September
Was it not last September or the ~~[illegible]~~ September before?
What is your best judgment? A No, sir.
Did you come back with your family, [illegible]? A No we got the ~~[illegible]~~ 1 child.
[illegible] you testify before that you came back with your father?
[illegible]
[illegible]
[illegible]

old man Sam Fisher.

Q Had they houses there then? A Yes sir.

Q Had they raised a crop of corn that year? A Not much, there was

brought there, that was when I went up the first time.

Q What time was it when you went up? A In August.

Q Did Sam and his daddy have a crop of corn in? A Not much, sort

of a patch.

Q That was in 67? A No sir.

Q Your young master Joe Ward testified that he saw you there in '67?

A I was traveling up there through that country and saw him the

year of the war closing, because he went to my house with me.

Q Did you ever see Will and John Ward on any of your young masters

since the war? A Yes sir.

Q Where? A On Big Creek.

Q When? A I had been there some two years.

Q Did you locate right on the place where you now live? A Yes sir.

Q And have lived there ever since? A Yes sir.

Q Is your father living? A Yes sir.

Q He lived there with you? A Yes sir.

Q What Cherokees are living along there? A Albert Bottle.

Q Was he living there when you came? A No sir.

Q How far was Jim Martin living from there when you came there?

A No sir, he was not living there and the Delawares were not liv-

ing there either then.

Q You understood that question clearly now? A I knew they was not

living there then.

Q What made you suspect [illegible] before I had asked it? A I

heard some of the people [illegible] and I was going to tell

telling you right. I

you about it.

Q Where did you get [illegible] A [illegible] sir.

Q Do you know [illegible] A Yes sir.

Q Any way to [illegible] A I don't know.

Q Where [illegible] A Yes sir.

Q [illegible] A With Peter Hedge.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir

Q What is your occupation at present? A Prospector.
Q Are you a [illegible] of the Territory? A Yes sir
Q Do you know the [illegible]? A Yes sir.
Q How long have you known him? A I got acquainted with him in the fall of '98.
Q Do you know if he was in the [illegible] of '98? A No sir I don't.
Q Where did you see him in the fall of '98? A At Fort Gibson.
Q Have you known him since then? A I saw him after I moved up here to Coeur d'Alene.
Q How did you happen to see him at Fort Gibson in '98? A He came to Muskogee and Bathe Agency and was going to take them away and I asked him what he was going to do with them and he said he was going to take them to his people.
Q You had never seen him before that? A No sir, he was a stranger to me then.

By Mr. W. Hastings:

Q He was a stranger to you in '98? A Yes sir.
Q You had never seen him before that? A No sir.
Q You didn't witness for him before the Dawes Citizen Court did you?
A No sir.
Q Do you know how long he staid in Fort Gibson that time? A No sir I don't.
Q What time did you see him there? A In the fall.
Q What time in the fall? A First part of September or the last part of August, somewhere along there.

By the Commission:

Q How did you know it was in '98? A Because I was living right there and noticed all the girls that came in there.
Q You was a young man then? A Yes sir.
Q You was a government officer when you saw him? A Yes sir.

SIX TURNER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Ben Turner.
Q How old are you? A 38.
Q What is your postoffice address? A Dewey.
Q Are you a recognized [illegible] Nation? A Yes sir.
Q Do you know the [illegible]? A Yes sir.
Q How long have you known him? A Ever since I was acquainted with him in Kansas
Q During the war? A Yes sir, some of the war.
Q Do you know whether he was [illegible] of the Cherokee Nation? A In the fall of '98 was when I [illegible] coming him in the Nation.
Q Where did you see him? A On the train.
Q He came up there on the train? A Yes sir.
Q Did he have his family there with him? A Yes sir he had his family with him.
Q Did you know if he was a citizen in the Cherokee Nation before the war? A Only what he told me.
Q Have you [illegible] of the Nation? A Yes sir.
Q Has he lived in the Cherokee Nation continuously ever since?
A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '98? A Yes sir, froze them rolling.
Q How long before that you and your family been there? A Not long, I [illegible]
Q About how many months? A I could just tell, but a great [illegible]
Q About how many months? A I don't remember exactly.
[illegible] A [illegible] Indian people open

down there 55 years ago, in '60? A Yes sir all those I am acquainted with that came.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '61? A Yes sir.

Q You know he was living there in '62? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '61? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q He came with his father did he? A Yes sir they came together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, some place they come from.

Q Bound duty? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '61 or '62 A No sir.

Q Was this man married when he came down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both owned their claims together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he came? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

ALBRIGHT recalled and examined by W. T. Hastings:

Q You say Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he came to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above cause was reported by T. C. Jones.

Thos. von Weise, being sworn, states that at request of the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, Thos. Von Weise.

Subscribed and sworn to before me this the 16th day of June, 1902, at Muskogee, I.T.,

Signed, T. C. Jones,
Commissioner.

(Entered from testimony taken by stenographer Thos. Von Weise, June 6, 1902.)

Q What is your name? A George [illegible].
Q What is your age? A I don't know exactly, about sixty some odd.
Q What is your postoffice? A Tahlee.
Q Are you a recognized Cherokee citizen? A Yes sir.
Q Your name on the 1880 roll? A No, sir.
Q You made application to be enrolled? A Some have enrolled, all excepting two witnesses.
Q Do you know Abram Ward, the applicant here? A Yes, sir.
Q How long have you known him? A Ever since he moved on Big Creek.
Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
Q Who did he belong to? A Belonged to a man they called George Ward.
Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
Q Where did he go? A Went up to Fort Scott.
Q Did you see him? A No, sir, I just met him up there.
Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
Q When was the first time you saw him after the war? A Why it was in the fall of '68.
Q Where did you see him then? A On Big Creek.
Q Was he living there? A Well, he has been there ever since.
Q Was he living there then? A When I saw him, why he just came.
Q Did he have a family with him when he came? A Yes, sir.
Q How many children did he have? A Well, I can't hardly tell you.
Q Have his wife? A Yes, sir.
Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
Q Have you known him since that time? A Yes, sir.
Q Has he always lived in the Cherokee Nation since '68, to your knowledge? A Yes, sir.
Q Yourself taken out during the war, were you? A Yes, sir.
Q Did you return with Abram Ward? A I returned just a little before he did.
Q You saw him here in '68 in the fall? A Yes, sir.
Q Mr. Hastings: How long had you been back when you saw him?
A I don't know exactly.
Q A year or two? A I hadn't been back a year, no, sir.
Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
Q Did you have any corn in when he came? A No, sir.
Q Any potatoes in? A I had a patch started to sleep out.
Q But you had no corn on it? A No, sir.
Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
Q But had you planted any when this man came down here? A No, sir.
Q George, you don't know anything about dates, years? A No, sir, I don't.
Q You don't know one year from another? A No, sir, I don't know, of course I am not got no education.
Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
Q What place in the Cherokee Nation? A Well, as near as I can [illegible] you to tell you the truth, I lived some of a little ways they [illegible] patch down on a big hill; [illegible] it.
Q Who did you belong to? A I belonged to a man they called Rachel

[illegible] and Lillie Dodd?

How far was that from Beattie's Prairie? A [illegible]
ere, I don't know.

What direction was Beattie's Prairie[illegible] from where
u lived? A To my judgment, it must have been [illegible]
about North.

You were up there before the war, were you, Beattie's [illegible]?
No, sir, I don't know that I have ever been to the pla[illegible]
When did you first see Abe? A The first time I ever [illegible]
collect him was at Fort Scott.

During the war? A Yes, sir.

When you never saw him before the war? A No, sir.

You don't know of your own personal knowledge, who he [illegible]
Of course I don't, but I know what he says, who he [illegible]

You swore a while ago he belonged to George Ward? A That is
I told you his owner was.

You don't know that? A No, sir.

You are the son of Peter Meigs? A Yes, sir.

Peter Meigs went down before the Court to have himself and
[illegible] enrolled? A Yes, sir.

Did you go along with him? A No, sir.

He is dead? A Yes, sir.

He didn't get enrolled? A No, sir.

He has been refused by the Cherokee Nation? A Yes, sir.

You know this man, the applicant, has been refused all the [illegible]
Yes, sir.

To the best of your judgment, how many children did he have when
first saw him there, after the war? A I can't hardly tell you
[illegible] all his children; he had one to w[illegible] judgment.

But you don't know how many more? A No, sir.

What was this child's name? A Named Bob.

He stayed right near you? A Yes, sir.

He came down with his father, didn't he, Peter, your [illegible]? A Yes, sir.

They all came down together and stayed up there? A Yes, sir.

I want to know if you are positive about the year that they came
A Yes, sir.

They have lived there continuously ever since that year they
[illegible]? A Yes, sir, ever since.

They never went back to Kansas and left up there? A Neelum's
old man went back once or twice for grub.

Left up there to live? A No, they never went up there to live.

Are you willing to swear positively about the year they came?
Yes, sir.

That was in 1866, was it? A Yes, sir, '66 we came.

Was it 1866? A I can't say whether it was eighteen hundred or
[illegible].

You are not positive about that? A I can't tell you [illegible]
but the dates, and I didn't suppose I would have to [illegible]
[illegible] as I do, but my daddy was rushing to get them [illegible]
a place for he said for his children.

Commissioner: Your daddy knew he had to be there in [illegible]
Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1880 or the census roll of [illegible] examination of the same, but he is identified upon the [illegible] Clifton and the Wallace rolls. His child Artes is also identified upon the Starr-Clifton roll. He avers that he was married to one Caroline Ridge, who is now deceased, and [illegible] satisfactory proof as to said marriage. [illegible] his child Artes will be listed for enrollment as a [illegible]

post office address [illegible] of the commissioner while
in Muskogee.

Bruce D. Jones, being duly sworn, says that he is stenographer to the commission to the Five Civilized Tribes; he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce D. Jones.

Subscribed and sworn to before me this the 14th day of [illegible], 1906.

[illegible] T. B. Needles,
Commissioner.

* * * * * * * * * * * * * * * * *

Stenographer.

Bruce D. Jones, being duly sworn, says that he is stenographer to the commission to the Five Civilized Tribes; he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce D. Jones

Sworn to and subscribed before me this the 1st day of August, 1906.

Commissioner.

H.

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DEPARTMENT OF THE INTERIOR
COMMISSION OF INDIAN AFFAIRS
CIVILIZED TRIBES

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In the case of Pilla... Hudson, D—. I. T. 696.

Department of the Interior
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 8th 1901.

In the matter of the application of Peter Hudson for enrollment as a Cherokee freedman, he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, attorneys for the applicant.
W. W. Hastings, Attorney for the Cherokee Nation.
(Examined by Com'r Needles)
Q What is your name? A. Peter Hudson.
Q How old are you? A. I dont know sir, how old I am.
Q Well about how old are you? A. 70 or 75.
Q What is your post office address? A. Tahlequah.
Q In what district do you live? A Goowees-cowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. Just myself.
Q Is your name on the 1880 roll? A. I dont know sir.
Q Is it on any of the rolls of the Cherokee Nation? A. On the Wallace and Kern Clifton roll.

The Kern Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
page 144 No 3564, Peter Hudson, Goowees-cowee district.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
page 118 No. 2492, Peter Hudson, Goowees-cowee district.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

(By Mr. Mellette)
Q Were you a slave prior to the war? A. Yes sir.
Q Who owned you? A. Shaie Hudson.
Q Was she a Cherokee Indian? A. Yes sir.
Q Where did she live? A. On Neosho river.
Q Did you leave the Cherokee Nation during the war? A. Yes sir.
Q Where did you go? A. To Kansas.
Q What place? A Fort Scott.
Q When did you return to the Cherokee Nation? A. I came back in the spring of '66.
Q Where to? A. On Hudson creek.
Q Where is that? A. East of here, runs into Neosho river.
Q Where have you lived since you came back here in 1866? A Part of the time on Hudson creek, and my home part of the time has been on Big creek.
Q Have you ever been out since you came back in '66? A No sir.
Q Have you a place on the Public Domain of the Cherokee Nation? A. Yes sir.
(By Mr Hastings)
Comes now the representatives of the Cherokee Nation and object to this question because it does not tend to prove a compliance of the applicant with the treaty stipulations.
(By Com'r Needles)
The objection is overruled---you can ask the question.
(By Mr. Hastings)
We desire the objection noted.
(By Mr. Mellette of applicant)
Q What was your answer to my question? A. I have a place on Big creek
Q How long have you owned it? A I dont know---I cant tell.

Q How many children have you living of your own? A Two.
Q What is the names of your children who are living? A Sarah and Billy Hudson.
Q How old is Sarah? A She was born before the war.
Q Did she come back the same time you did? A Yes sir.
Q What is the name of the other one? A Billy.
Q How old is he? A. Older than she is.
Q Was he born a slave? A. Yes sir.
Q Who was her owner? A. Susie Hudson.
Q Was Sarah born a slave? A. Yes sir.
Q Who was her owner? A. Susie Hudson.
Q Did they both come back to the Cherokee Nation with you? A. Yes sir
Q Who did you come back to this country with? A. Come with me and my family.

(By Mr. Hastings)

Q About how old are you? A I dont know how old I am, guess about 70 or 75 years old.
Q Where did you live before the war? A. On the Neosho river.
Q What town is near there now? A. I dont know, closest to Baxter Springs I guess.
Q How far did you live from the line—the State line? A I dont know.
Q How long did you live up there before the war? A. I dont know that either.
Q You were living there when the war commenced? A. Yes sir.
Q When the fighting commenced? A. Yes sir.
Q Did Susie Hudson have a husband? A Yes sir.
Q What is his name? A. Alfred Hudson.
Q Was he living then? A. Yes sir.
Q Did she have any family? A She had a son living then.
Q What was his name? A. Thomas Hudson.
Q What kind of a farm did they have? A. A prairie farm.
Q What kind of a house did they live in? A A log house,
Q Did it have two rooms? A Two rooms.
Q Where did they ger their water, from a spring or a well? A Spring.
Q Did you know a man called Dr. Hayden then? A In part.
Q Where did he live? A. At Mayesville, or down on the line of Arkansas
Q How far from Mayesville from where he lived when the war commenced? A 35 or 40 miles I guess.
Q How did you happen to get acquainted with Dr. Hayden? A Well that makes a whole kind of a long talk.
Q Well that is what we will have to have then uncle for I want to know just how you became acquainted with him? A Well we had a mighty terrible spell of sickness in the family at Mayesville and they used Dr. Hayden as a doctor and he treated them all, and then he had to be paid, and in paying him they let him have a nephew of mine named Ben for part pay and he let my old boss have 90 head of cattle in the trade, that is how I came to know him. I dont think it is necessary any necessary use to bother about that any more cause I has got a man here in town that can prove that I was not sold to him myself, it was a nephew of mine. I know that here, Hayden's son that said that I was sold but I wasn't.
Q You deny then that you were sold to Dr. Hayden? A. Yes sir.
Q Were you living with Hudson or with Hayden when the war commenced? A I never lived with Hayden in my life, no sir not in my whole life.
Q Did you ever work for him? A. Not a day in my life.
Q Who were some of your neighbors at the time you lived with the Hudsons when the war commenced? A There was Jim Odrain lived within five miles of the'
Q Is that Scott Odrain's father? A. I dont know Scott Odrain.
Q Any one else live there? A. Thomas Hudson.
Q Is he living? A. They tell me he is not.
Q Any one else outside of the Hudson family? A A white family lived there named Berry.
Q Any other Cherokee family? A No sir I dont know of any.
Q Where did you go when the war commenced? A To Kansas.
Q To what town? A. Fort Scott.
Q Were you in that army? A No sir.

Q What did you do in Fort Scott? A. Worked around at most any kind of common labor.
Q You just come back with your family own family? A. Yes sir my family and me come together.
Q You didn't have any witnesses in the Horn Clifton court did you? A No sir, I made a mistake in that court, I was very deaf and cant hear and I didn't have any witnesses.
Q Where did you first come to after the war? A. On Hudson creek.
Q Was that near the old place? A. Yes sir.
Q Right at the old place? A. Not right at it.
Q How far from the old place? A. 8 or 10 miles on the prairie.
Q From the old place? A. Yes sir.
Q Did you build a house there? A. No sir, I lived in a tent.
Q No one living around you? A. No sir.
Q How long did you stay there? A. Cant tell you just how long.
Q Well about how long? A. 6 or 8 months, maybe longer.
Q You came there at what time of the year? A. In the spring of the year
Q Well was it in March, April or May? A some of those months, I dont know exactly.
Q And you staid there until after Christmas? A. No sir.
Q About what time did you leave there then? A A good while, I dont know when I went away from that place for I didn't have no thing to study about dates them days.
Q What were you doing there? A. I was living up there.
QWorking any? A I didn't work there.
Q Do you mean to say that you you went up there and just squatted down there and did nothing during those hard times? A. Yes sir I just lived there, I didn't have any work to do around there
Q What did you live on there? A Plenty to live on there, a man never needed to starve.
Q Well what did you live on then? A. Dennis and Mathew Fields was in there then and come and staid there with me all that time.
Q They are dead? A. Yes sir, that is what you told me.
Q Q Did you all live in a house there on Husdon creek? A No sir, there was not a house to be seen around there.
Q How far from the Kansas line was that? A. I dont know.
Q How far from the old Moss Pooler ferry? A It must have been 10 or 12 miles from where a ferry was, I dont know that ferry you speak of, I know where old Jack McLain had a ferry.
Q Near where the old Military road crossed the river? A Yes sir.
Q How far was it from that? A. 10 or 12 miles.
Q Where did you go to from that place? A. I went from there to what is called West Cabin.
Q When you were on Hudson creek, were you on the prairie? A I was on the creek—kind of a patch of timber and brush on the creek.
Q You came to West Cabin then—how far from Vinita? A. I dnt know.
Q How long did you stay there? A. Must have staid there three or four months.
Q Locate the place on West Cabin that you were, as near as you can? A It has been so long I dont know how to give you the place we settled there wasn't no one else around there.
Q No neighbors at all? A No sir.
Q Were there any Cherokees there? A. No sir, only the two men that I spoke of that was with me.
Q What two? A. Dennis and Mathew Fields.
Q What did you do for a living there on West Cabin? A Lived on anything I could get to eat; those men had some stuff and we lived on that and then what we could get around there.
Q You didn't see any white folks there? A. No sir.
Q Dont you know who lives there now on West Cabin? A No sir I dont know who lives there now.
Q Dont you know the town that is located near there now do you? A. Vinita I guess, I reckon it is, I dont know.
Q You dont know how far from where Vinita is now it was? A. No sir,

Q You dont know in what direction that place is from here Vinita is now? A. No sir, north or north east I guess.
Q You had no colored neighbors there either? A. No sir.
Q Just in a tent or in a house? A. In a tent.
Q And you didn't work there either? A. No sir.
Q Where did you go from there? A. Went to Big creek.
Q What time did you land at Big creek? A. I dont know, I went there in the fall or winter like, though.
Q What year? A. I dont know what year, never knew anything about the year.
Q Never did think of the years that did you? A No sir, I thought that I was at home and there wasn't any need of studying about the years: never was educated about the time and the years and never paid no tention to it then; never had to study about it.
Q Did you evergo to Tahlequah to court and get your right s proved up? A Did onced.
Q You were not put upon the roll were you? A. You know if I am upon the roll or not.
Q Since you went up on Big creek , have you lived there ever since? A Yes sir, on Big Creek'
Q At the same place where you first stopped? A Two miles from there.
Q Was Jim Martin living there then? A I dont know here he was living.
Q Didn't you say before the Kern Clifton court that he was living there? A I said that I found him there.
Q What Cherokees did you see when you went there? A. Two.
Q What Delawares? A. I saw some but I dont know their names.
Q You saw some though? A. Yes sir.
Q You have lived close to Jim Martin ever since? A. Yes sir.
Q Where did you see Anderson Lynch after the War for the first time? A They run in on to my camp on Cabin creek after I had left Hudson creek
Q Who was with Anderson Lynch? A All and Crap was together.
Q Any one else? A May have been some one else.
Q You didn't remember that five years ago did you? A I didn't need to.
Q You never said anything about it then did you? A. You never asked me about it then.
Q Where were they going when they run across your camp? A. I dont know, they never told me their business.
Q How long did they stay with you? A. All night.
Q What time of the year was that? A. In the fall of the year, winter some time, I know know which.
Q And you dont know what year it was either? A. I dont know anything about it.
Q When did you see Sam Webber first? A. I saw him on Big creek.
Q The first time you went there? A. Yes sir.
(By the Commission)
Q Do you know the reason your name in not on the 1880 roll? A I dont know the reason, guess they would not put it on.
(By Mr. Mallette)
Q The place that you came to in 1866, or after the war, was it the same place that you went from to Kansas? A. Ten miles above there.
Q Was it in the Cherokee Nation? A. Yes sir.

ALLEN LYNCH, called and sworn by Commissioner T. B. Needles, testified as follows for the applicant:
(Examined by the Commission)
Q What is your name? A. Allen Lynch
Q How old are you? A. 61.
Q What is your post office address? A. Vinita.
Q Are you a recognised citizen of the Cherokee Nation? A. Yes sir.
Q Freedman? A. Yes sir.
Q Is your name on the 1880 roll? A. Yes sir.
Q Do you know the applicant here, Peter Watson? A. Yes sir.
Q How long have you known him? A. Before the war.
Q Was he a slave? A. Yes sir.
Q To whom did he belong? A. He belonged to old man Hudson on Neosho river.
Q Was Hudson a Cherokee Indian? A I dont know.

Q Was that in the Cherokee Nation? A. Yes sir.
Q He was held as a slave then in the Cherokee Nation? A. Yes sir.
Q Do you know if Peter Hudson was taken out or if he went out of the Cherokee Nation during the war? A. No sir I don't.
Q What did you see him after the war? A. On Cabin creek.
Q In the Cherokee Nation? A. Yes sir.
Q When was that? A In the winter of '65.
Q In the early part or the latter part of the winter? A. Latter part of the winter.
Q Where has he been living since? A. I passed his house once since he lived there.
Q Did he have his family with him that time you saw him? A. Yes sir.
Q Was he living in a house then? A. Camped with his family.

(By W. W. Hastings)

Q What place on Cabin creek did you see him? A Just below the Springs place.
Q How far below it? A. I don't know exactly, we were hunting there on & run on to him.
Q How far from your place? A. 17 or 18 miles.
Q Was he just camped in a tent? A. Yes sir, camped and had his wagon I don't remember if he had a camp.
Q How long did you stay there? A. Not over an hour.
Q Where were you going hunting? A. The country was generaly settled then and we hunted all over there.
Q As early as '65 were you not a good ways from home on a hunting trip? A No sir we lived at the mouth of Bull creek then.
Q Couldn't you have hunted nearer home than that? A. Yes sir we could have.
Q You didn't appear as a witness for Mr. Hudson five years ago did you? A No sir.
A Didn't you remember this fact then? A. Yes sir.
Q You remember that it was in the winter of '65? A. Yes sir.
Q You never saw him for a number of years after that A. No sir.
Q And you were just up there hunting and happened to run on to him? A Yes sir.
Q Did uncle Peter give you anything for testifying for him? A Never got a cent.
Q Didn't you tell me about meeting him up there? A No sir he asked me if I was not one of the fellows that had been up there hunting that time and came across his camp.
Q Who else was with you that time? A. Grub, and Art Williams, Bob Downing and Alex Hawk.
Q Was this last one a colored man or a Cherokee? A Cherokee.
Q Any one else along? A. Yes, Mose Whitmire.

ANDERSON LYNCH, called and sworn as a witness, testified as follows for the applicant. (Examined by Gen'l Needles)

Q What is your name? A. Anderson Lynch.
Q How old are you? A. 64.
Q What is your post office address? A. Vinita
Q Are you a recognized freedman of the Cherokee Nation? A. Yes sir.
Q Are you on the roll of 1880? A. Yes sir.
Q Do you know the applicant, Peter Hudson? A. Yes sir.
Q How long have you known him? A. Since before the war.
Q The war between the North and the South? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. To the Hudsons.
Q Were they Cherokee citizens? A. Yes sir.
Q Was with the Cherokee Nation that you knew him? A Yes sir.
Q Do you know if he went out of the Cherokee Nation any though? A.
A He must have went out, when I saw him the next time it was in Kansas
Q During the war? A. Yes sir.
Q What point in Kansas? A. Fort Scott, where we all broke up at.
Q Do you know when he returned to the Cherokee Nation? A No sir I dont
Q Who did you first see him after the war? A. I saw him on Little Cabin.
Q In that in the Cherokee Nation? A. Yes sir.
Q What year was that? A. That was long before either of us.

Q For what or [illegible] part of the [illegible]? A. In the first part.
Q Where did you see him? A. The [illegible] Vinita on Cabin
Q Did he have his family with him? A. Yes sir, there were seven of them
a women, I never noticed them much.
Q Were they in a house? A. No sir, not in a house.
Q Do you know if he has lived in the Cherokee Nation ever since that
time continuously? A Yes sir I have heard of him up on Big creek.
Q Have you ever seen him since? A. No sir At Coody neck.
(By W. W. Hastings)
Q Where did you see Peter Hudson before the War? A At Fort Scott.
Q Was that the first time that you ever saw him? A. No sir on Hudson
creek.
Q You never saw him up to the time the war came up did you? A No sir.
Q Then your testimony as to his Cherokeeship before the war was simply
what you knew about it some years before the war? A [illegible]
A Yes sir.
Q You didn't know him just at the time the war came up? A. I didn't
see him then, I knew him though,
Q But you had not seen him for several years before the time the war
came up had you? A. No sir until I saw him at Fort Scott.
Q What direction was it from Vinita that you saw him that time you were
hunting? A. East of Vinita, below John Landrum's place.
Q How many miles from Vinita,? A Two miles.
Q Did John Landrum have a house up there? Z. There was a house owned
by the Landrums, there was a Cherokee fellow with us and he said that
it was below the John Landrum place.
Q Two miles from Vinita? A. Yes sir where Battles is living.
Q You saw a house there? A. Yes sir a log house.
Q How long did you stay there? A. Not over two hours.
Q Have you a positive recollection as to the year it was? A. No sir on
ly , in the winter.
Q Do you remember all of the people that you saw in it? A Yes sir I
remember a good many.
Q Are you willing to swear that this man was there two miles east of
Vinita on Cabin creek in the winter of '66? A. Yes sir
Q What were you doing up there? A. Hunting.
Q Who was with you? A. Bob Downing , a Cherokee fellow we called Jackson
Doublehead, Al. and Art Williams.
Q Was that all? A. That is all that I can remember.
Q Did you come on hunting this way? A. Yes[illegible] came on this way.
Q In the same country he was in? A. Yes sir.
Q How far was that from your home? A. 4 or 5 miles, I reckon.
Q From your home? A. Yes sir.
Q Did he have any farm there? A. No sir .
Q You don't know how long he had been there? A. No sir.
Q You don't know what he had been doing? A. Had been traveling.
Q How much has he given you for testifying in his case? A Nothing as I
know of.
Q You would know it if he had wouldn't you? A. Yes sir.
Q Did he promise to pay you anything? A. No sir, he will pay enough
to pay my board with anyway I guess.
Q Have you got a contract with him for pay? A No sir.
(By the Commissio n)
Q There was no town of Vinita was there when you saw this man? A. No
sir no town or railroad.

SAM WEBBER, called and sworn, testified as follows on the part of the
applicant: (Examined by the Commissio n)
Q What is your name? A Sam Webber.
Q What is your post office? A. Nowata
Q What is your age? A. 51 I reckon.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know the applicant Peter Hudson? A. Yes sir.
Q How long have you known him? A Got partly acquainted with him before
he went and better after the war.
Q Was he a citizen? A He told me he was.
Q You have know of your own knowledge to whom he belonged? A. No sir
Q Did he go out of the Cherokee Nation during the war? A. No sir to

Pet Scott

Q When did you see him after the war and where? A. On Big creek
Q In the Cherokee Nation? A. Yes sir.
Q About when was it? A. As near as I can remember it was in the fall of '67, long in May time, when we was putting up hay.
Q There at? A. Big creek, Cherokee Nation.
Q Was he living there then? A. He was just come and looked after a location to make him a home.
Q That was the first time you saw him after the war? A. Yessir
Q Do you know when he first came back? A. No sir.
Q That was in the fall of '67 that you saw him? A. Yessir, that was when he come up there where we was.
Q He came where you were? A. Yes sir.
Q Who was with him when you saw him? A I don't remember, several of us were living there.
Q He came to where you were living did he? A. Yes sir.
Q What was on Big creek? A Yes sir.

APPLICANT, recalled and examined by W. W. Hastings:

I want to know as near as possible how far from the old Hudson place you returned to in the spring of '66---as nearas you can give it? A Such things is pretty hard for me to get at, old man as I is, traveling around and with no education. Seems to me crack runs round to the ne south west---
Q I mean where you first stopped from the old home place? A Must have been a little south west of the old place.
Q About how many miles? A Must have been 9 or 10 miles or 12.
Q Did you go to the old home place? A. I did once to the old home place after I come down to Cabin.
Q Didn't you go there where the old place was when you were living there those eight months? A. No sir.
Q Did you see Jim Odrain there? A No sir.
Q Dont you know if your old master was there then or not? A. No sir they wasn't

By Com'r Needles: Peter Hudson applies for himself; he is not identified on the authenticated roll of 1880 or the census roll of 1896; he is only identified on the Kern Clifton and Walker rolls; He avers that he was a slave of a Cherokee citizen named Hudson and that he returned to the Cherokee Nation in 1866; said Peter Hudson will be listed for enrollment as a Cherokee freedman on a doubtful card awaiting further consideration of the Commission, and when the final decision is arrived at he will be notified of the same by mail.

x x x x x x x

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 16th of August, 1901.

Commissioner.

9

FA0005

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this.....

day.....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of SEP 18 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the.....day of A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Wm. Hudson for enrollment as a Cherokee Freedman:

Case No. F. D. 335

To Wm. Hudson or Walter C. Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on the following dates, to-wit: Oct. 4th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901 day of , 1901.

Ardell

W. W. Hastings

J. J. Davenport

Attorneys for the Cherokee Nation.

with [illegible] D-405, William Hudson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mallette & Smith, attorneys for the applicants;
W. F. Hastings, of counsel for Cherokee Nation.

G. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 13th day of August, 1861.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Minor, Squire, Eliza, Asa, Dave, Flint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of wards?

A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q How how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '68.

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Ramsey, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some there and in the fall of '68 he left some when in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not, one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Corbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '68? A In '68 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from Pelongad, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when them people lived on that land? A As I said, Mr. Ward was living on a farm that

[illegible] and he was just up a house there, a log house, he [illegible] went down over on the old gentleman, my grandfather, and my father objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then. This land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1862, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the mind was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember that by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to.

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '85.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8; just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved

on the place that Uncle he moved off? A Never lived there just a short time and by permission of Anderson Turk.

Q What did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there or winter.

Q Who lived on this place in 1870? A There was no one in '70, nor by then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '65? A Yes, sir, since '65? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67?

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place? A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place? A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 42 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Berr and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q That place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I many can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know what he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '64 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '64 or '66? A The latter part of '64 or '5.

Q The latter part of '64 or '5, you say that? A I saw either the latter part of '64 or '65, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '64? A Well it might be, but the war wasn't closed entirely



till about '65.

Q Yes but you say Price made his raid through there in '65 or '65?
A I meant '64 or '5.
Q What made you change? A Well, I just made a mistake.
Q Who talked to you after you came? A Nobody.
Q Well Mr. Hastings [illegible] you, didn't he? A He asked me some questions.
Q Was [illegible]? A Yes, sir.
Q Who else was present? A There was lots of gentlemen there.
Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.
Q Now when [illegible] you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.
Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken about the war closing? A I meant '64 or '65.
Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.
Q You wouldn't say positively about that? A No, it seems to me it was in that time.
Q You were a boy? A Yes, I was a boy.
Mr. Hastings: You were subpoenaed here as a witnesses on the part of the [illegible] Nation, weren't you? A Yes, sir.
Q I consulted you with a number of other witnesses down there? A Yes, sir.
Mr. Hastings: How were you summoned here on the part of the Cherokee Nation, by subpoena?
Q Who served the subpoena on you? A Mr. Campbell left it at my home.
Q Who is Mr. Campbell? A His name is Dave Campbell.
Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.
Q What is your age, Mr. Ward? A 56.
Q What is your post-office? A Maysville, Arkansas
Q You live in the Cherokee Nation also there? A Yes, sir.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q Mr. Ward, what was your father's name? A James Ward.
Q Did your father ever own a enslaved man by the name of Peter Ward? A No, sir, my grandfather owned him.
Q You knew Peter Ward then? A Yes, sir.
Q Before the war? A Yes, sir, he married a negro woman, my mother owned.
Q He had seven children? A Yes, sir.
Q You remember several their names? A Yes, sir.
Q Will you tell us some of them? A Abraham was the oldest, Henry, Margaret, Susan, Lucinda, Mahala, Dave, and Clint, is all they had when they left there, that I remember.
Q [illegible] live [illegible] the war came up? A Yes, sir, in '63 [illegible]
Q [illegible] ever [illegible] see them? A Yes, sir.
Q [illegible] you last see them? A In Mound City, Kansas.
Q [illegible] that? A [illegible] in the fall of '65, October.
Q [illegible] you [illegible] Peter Ward's family? A The start [illegible] first [illegible] of the [illegible] I [illegible] Mound City.

Q You don't remember the exact date? A No, sir.
Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
Q You don't remember the date of that payment? A No, I don't remember the date.
Q Was this railroad through here at that time? A I think so.
Q Well, which one of them did you see at that time? A Abraham.
Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
Q He say where he was living at that time? A Living out here on Big Creek, up here in Cookscoose.
Q You remember what he said he came? A No, I don't, positive, it seems to me he said he came here in '69, that is my best recollection.
Q Did you see any other members of the family at the time? A No, sir, not that I remember.
Q Have you talked with any of them since that about it? A No, sir.
Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.

Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
Q Don't think any of them got it? A I don't know, I don't remember, of course I don't state.
Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
Q Well, that has been a long time ago, hasn't it? A Yes, sir.
Q You ever been arrested? A I don't know that that cuts any figure in the case.

Commissioner: Please answer the question.

A Why yes.

Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
Q That all? A And detaining pension money.

Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.
Q And the age, Mr. Ward? A Age is 50.
Q What is your postoffice? A Maysville, Arkansas.
Q You are a cherokee citizen by blood? A Yes, sir.
Q You live on the Cherokee side of the line? A Yes, sir.
Q What was your father's name? A His name was James Ward.
Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
Q Had he have some children? A Yes, sir.
Q You remember some of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
Q We want to [illegible] the family, name some of them? A Margaret and Abraham and Louise and Minor and Ben I think and Dave and Elsie and Clink.
Q Did you ever see any of them after the war? A I never saw but one of them, yes I have seen them too, I seen Squire here the last Court, they call him Squire.
Q Well which one did you see first after the war? A That was Minor.
Q What was her name then? A Now I think she called her name.
Q Where did you see her? A Up here between here and Chetopa, Big Creek I think it was.

Q Between here and there? A Yes, sir.
Q In what district? A In Goosecreek I guess.
Q Did you have any talk with her? A Yes, sir.
Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7, somewhere along there, I don't recollect just the year.
Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong. '60 I said, it was sometime in '70.
Q You say it was sometime in '70? A Yes, sir.
Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad was through here.
Q This M.K.& T.? A Yes, sir.
Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and intimated then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
Q Who was with you at the time? A Will, my brother, we had been up to Sorreyville with some apples and came back by there and stopped.
Mr. Mallette: You say you asked them about the family? A Yes, sir.
Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
Q Where did she say her father was? A He lived there somewhere.
Q There? A Up here about Big Creek.
Q Where did she say Abraham was? A He was there.
Q There? A Up in there, right close there. I was asking how they all were getting along.
Q How many years ago has that been? A Along in '70 sometime.
Q '70 when? A Between '75 and '77.
Q What made you say it was in '60 first? A I just miscalled it.
Q Wasn't it in the sixties? A No, sir.
Q Don't you know it was in '66? A No, sir.
Q Between '65 and '7 and '8? A It wasn't in '66.
Q Why wasn't it? A Because this railroad was built through here.
Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
Q How long ago? A I don't remember.
Q When Mr. Wallace made this roll? A No, sir.
Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
Q How long ago? A I don't remember just now.
Q About how long ago did you first remember how that she said she was too late? A It was when we were up there, is all I know about it.
Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '75 and it was before I was married.
Q How many years before you were married? A Two or three.
Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I don't recollect the exact dates.
Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this Court.
Q This time? A No, that other time.
Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
Q You can't give any idea when that date was can you; why can't you remember the date you were first called on to testify to this fact

as well as you can remember when she told you she came here too late?
A I never paid much attention to it.
Q Did you pay much attention to when she said she came here too late? A Yes, I remember by the trip we made and I got to counting it up.
Q After thirty years you got to counting it up, did you? A It wasn't thirty years.
Q Well, twenty? A Let's see, it was over thirty years I guess.
Q It was over? A It was in seventy something.
Q Well how many years has that been? A Well I can't, this is 1901, you can count yourself.
Q Why I am not counting for it, I asked you how many years it was? A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.
Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.
Q And you can't tell the year you were down here in the rock quarrying and when Mr. Hastings and Mr. Thompson were making the pull? A No, I don't recollect the exact year.
Q Was it 1895? A I don't remember.
Q 1896? A (No response.)
Q Was it 1896? A No, sir, it wasn't there.
Q Then was it? A I don't know just when, I don't recollect the year.
Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.
Q Are you summoned here as a witness this time? A Yes, sir.
Q Were you summoned when you testified before when it represented the Nation in part? A Yes, sir.
Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.
Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer S. O. Rogers.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C Jones

Sworn to and subscribed before me this the 16th of October, 1901.

Commissioner.

Continuation of taking of testimony in case of [redacted]
[redacted], C.R. [redacted].
Former portion taken by Examiner
Bruce H. [redacted].

APPEARANCES:
Mr. Mellette, of Counsel for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. [redacted], being duly sworn by Commissioner Bruce, testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. [redacted].
Q Age? A 62; Vinita.
Q Mr. [redacted], when was this MK railroad, M. K. & T. railroad, built through this country? A '71.
Q When was that first Cherokee payment made after the war? A '75.
Q Do you know whether colored people and all participated in that payment or not? A Yes, every Cherokee citizen and whole lot that wasn't.
Q That was a general payment-? A Yes, that was general payment intended for relief fund for all people living in the Cherokee Nation.

MR. MELLETTE: Did any colored people get pay at that time?
A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called. Testified as follows in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.
Q Are you the Abraham Ward who is an applicant for enrollment as a Cherokee Freedman? A Yes, sir.
Q Did you know J. L. Ward who has just testified in this case?
A Yes, sir, I know him.
Q Did you ever make a statement as testified to by him that you came here too late to become a citizen? A No, sir, I did not.
Q Did you make statement, as testified to by him, that you came back in '69? A No, sir.
Q Did you hear the testimony of John Ward, the last witness?
A No, sir.
Q Did you hear h is testimony? A I heard it yes, sir.
Q Did you hear a statement being said of yourself, mother or sister to him? A Yes, sir.
Q Where is that sister? A She is dead.
Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward after the war? A I saw him when the Cherokees drawed that general payment, what called bred money.
Q What year was that? A I don't remember just what year it was.
Q Well, that is strange? A It was in '70 though I think.
Q Where did you see him? A '75 or '9; saw him right here at Vinita
Q '75 or '9? A Yes, sir.
Q Along there; saw him here at Vinita? A Yes, sir.
Q You didn't talk with him? A Yes, we was talking about our boyhood times.
Q Talked to him where you had been? A No, sir, he knew where I had been.
Q He was your young master? A Yes, sir, me and him was about one age.

This testimony will be made part of the record in cases D.[redacted], D.[redacted], D.[redacted],

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Chairman

File with Cherokee Freedmen, p-656, William Redbird.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Mr. Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

APPEARANCES:
Mellette & Smith, attorneys for applicants.
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.
Q J. B. Brown? A Yes, sir.
Q What is your postoffice? A Springer.
Q What in the Territory? A Yes, it is in the Territory.
Q You are a Cherokee Indian by blood? A Yes, sir.
Q What is your age? A I am 52.
Q You married a Chockaw, or Chickasaw? A Married a Chickasaw.
Q How long have you been down there? A I moved down there about two years ago.
Q When did you come back to the Cherokee Nation after the war?
A We landed back in the Cherokee Nation in the fall of '65.
Q Where did you live during the year of '66? A We were down there on Grand River.
Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.
Q Do you know a colored man by the name of Ruler Ward, and Green Ward? A Yes, sir.
Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.
Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.
Q Who did you go with? A Jack Brown and John Mercum, and there I saw old Uncle Peter Ward and Abe and Harry, there was younger ones but they were smaller, I got acquainted with them three.
Q Were they living there at the time? A Yes, sir, they were living there.
Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City; Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.
Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.
Q Harvest time? A Yes.
Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when we first went there. We had to wait on account of some papers that didn't fixed up right, and we had to stay there, I could not say positively how long it was.
Q Do you at Pryor Ward's house? A I can't say positively; you see there was a whole bunch of them lived around there, and I went to several of the houses around there and when they had [illegible] there with them and I went to church and met them, they all knew me I was an Indian and they came to be very kind with me.
Q You knew all these colored men, the colored men? A Yes, sir, I

I

was with Jess, the mother was living there and his brother who lives
Q His mother and brother? A Yes, sir, mother and brother.
Q Did you see Abraham then? A Yes, sir, yes, sir.
Q You remember distinctly seeing him? A Yes, I remember him very well.
Q Well now did you meet anybody after you came back here, after you came back to the Cherokee Nation? A What do you mean, after I came back who did I meet?
Q Yes, if anyone? A No, I left them over there, they never came back.
Q Did you meet any of the Scraches? A Yes, sir, Sam Scrach and Pete Scrach had just moved from Kansas and I stayed on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.
Q How how many Vanns had you seen up there, you say Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.
Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.
Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me when they were coming back just as quick as they could come, everyone I seen was talking about coming back.
Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.
Q Where were you in '67? A We were there in '67.
Q Where were you in '68? A Then we went on Verdigris, we have moved over there to Verdigris.
Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.
Mr. Mellette: You say you saw these Vanns up there in Kansas at Oswego? A Yes, sir.
Q How long did you stay in Kansas that fall? A I don't know how long I was there.
Q You didn't lose your citizenship by going up there to Kansas? A Didn't lose my citizenship, no, sir.
Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.
Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Vann's house.
Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.
Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.
Q Where did you have to go to get his money? A Went to Ottawa, Kansas.
Q How far is that from here? A I don't remember how far it is.
Q About how far? A Oh, it is a long ways.
Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Round City to the best of my recollection.
Q What were you doing at Round City? A There is where Jess's brother and mother lived, we landed there first.
Q What did you stay there for? A He wanted to see his mother, I stayed with him.
Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whatever he got ready to go on up to Ottawa

- 6 -

[redacted] there? A Yes, sir, I remember the witness [redacted] they had been there? A No, sir.
[redacted] been brought up in your argument A Yes, sir.

[redacted] this testimony will be made part of the [redacted] D-609, D-610, D-611, D-613, D-615, [redacted] D-617, D-621, D-622, D-624, D-625, D-626, [redacted]

[redacted]

Joseph, being duly sworn, says that as stenographer to the plaintiff in the Five Civilized Tribes he correctly recorded the proceedings and testimony on the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Jacob Louis

Subscribed and sworn to before me this 1st day of October, 1931.

[redacted]

Commissioner.

D-682 Aug 4, 1947

Docket No. D-682, Aug. 4, 1947

ACTING CHAIRMAN

Testimony taken at Vinita, C. N. T. Ter.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 25, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. N. Dr. Case.

Appearances:
Jacob S. Davenport for the Cherokee Nation.
Mallette & Smith for the case applicants.

T. F. Thompson, being first duly sworn by Carr T. B. Newlin, testified as follows on the part of the Cherokee Nation-

(By Davenport)

Q What is your name? A T. F. Thompson.
Q Where do you live? A 9 miles south of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '65, in October
Q Did this applicant go with your family? A He never was with us during the war
Q When your family returned to the Cherokee Nation where did they locate? A On Grand river 12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
Q With reference to how long the railroad was here when was it? A The road was here I think.
Q About what year was it? A As well as I remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand River? A No sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A Yes sir.
Q Where was he living at that time? A On Big Creek, he told me.
Q Did he say then that he had been living on Grand river at the old place? A No sir.
Q You had always lived on the old place since your return? A Yes sir
Q Same place you lived on prior to the breaking out of the war? A Yes sir
Q Had the applicant been there after the war -- to your house? A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes sir.
Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Did he own Daniel Thompson before the war? A Yes sir.
Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
Q What time after the war was it you saw him after the war? A October, '65.
Q You came to this place? A This old place.
Q How far from where Vinita is now? A 12 or 15 miles.
Q How old were you then? A 18 years old.

Q Just a boy? A Yes sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71? A Yes sir.
Q You dont know how long he had then been in the Cherokee Nation? A No sir.
Q You dont know where he was during the war? A No sir.
(By Davenport)
Q When were you at school? A In '67, in the fall.
Q You was at home then from '65 to the fall of '67? A Yes sir.
Q You never saw the applicant there then? A No sir.
Q Never heard of him being there did you?
BY MR. SMITH: I object to him stating what he might have heard.
(By Smith of witness)
Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.
Q Before that time you don't know where he was? A No sir.

DAVID SWINGER, being first duly sworn by Court T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A David Stinger.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 26 years.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Since '72.
Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes sir.
Q What was that conversation? A He told me that he used to live here and was raised here, and that he went to Kansas, and thought he would come back because he was raised here—thought he would come back home as he called it.
Q Did he have a family with him then? A Yes sir.
Q What year was that? A I think in '72.
Q What improvements had he made then? A Nothing. He was just in a wagon then.
Q Did he say when he had gone to Kansas? A No, I dont know anything about that.
Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him? A Yes sir.
Q Did he afterwards make a place there? A Yes sir.
Q Where has he been living since? A Right there all the time.
Q What year was this you say he came there? A '72.
(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
Q How long had you been there in '72? A I came there in '71.
Q Where from? A Peoria, Illinois.
Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I dont know that.
Q You dont know where he was in '69? A No sir.
Q Or in '68? A No sir.
Q Or in '67? A No sir.
Q Or in '66? A No sir.
Q Or in '65? A No sir.
Q You dont know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.
Q You dont know when he first came here after the war? A No sir, only that time.
Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.
(By Davenport)
Q Was he living there when you came there in '71? A No sir.
Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Gen'r T. H. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A William Noble.
Q Where do you live? A On Big creek, Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Good many years, I cant say exactly how long, I think he moved in below on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.
Q Did he settle a place there when he came down? A Yes sir.
Q How far from you? A Two and a half miles.
Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.
Q Did he have his family with him? A Yes sir.
Q Children? A Wife and three children.
Q Did you have any conversation with him ? A Yes sir, he told me he just moved in from Kansas.
Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.
(By Smith)
Q When did you first come to the Cherokee Nation after the war? A In '64.
Q Were you in the army? A Yes sir.
Q When were you discharged from the army? A I was discharged, I think it was in '65.
Q In what? A '65.
Q Were you discharged before the war closed? A No sir.
Q But you think it was in '65 that you were discharged? A I believe it was.
Q In '61 maybe? A Somewhere along there.
Q Somewhere in '61 or '2? A Yes sir.
Q You testified Saturday last in the Joint Term also didn't you? A Yes sir.
Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.
Q Di n't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.
Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.
Q When did the war close, what year? A I think it was in '61, wasn't it?
Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.
Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time thewar was over.
Q What did they discharged you for the first time? A Three years service.
Q Then you went back the second time? A Yes sir.
Q How long did you stay then? A Two years .
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you came to the Cherokee Nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of 66.
Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
Q And you are certain you were discharged from the army after the war was over? A Yes sir.
Q And you got here in '66? A Yes sir.
Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.
Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.
Q You dont know how long he had been here before that? A No sir.
Q You dont know when he came [illegible]? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.
Q Nor when it closed? A No sir.
Q Had Dave Stinger come to your place before Daniel Thompson came on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.
Q Where did you go then? A Kansas.
Q Where did you stop in Kansas? A [illegible] River, between the mouth of Cherry and Big Creek on a creek called Short creek.
Q Did you have any trouble up at Humboldt? A No sir.
Q Were you never arrested in Kansas? A No sir.
Q Do you remember a man named [illegible]? I don't remember, I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No sir.
Q Didn't he have you arrested? A I don't think so.
Q Don't you know? A I know I wasn't arrested there.
Q Have you ever been arrested at all? A Yes sir.
Q Where? A In the Cherokee Nation.
Q What for ? A [illegible].

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

[illegible]

This testimony will be filed with the original application of Daniel Ridgeway, Cherokee Freedman, D-606, and also in C. T. D. cases, D-626 and D-627 and their subdivisions.

Chas. von Weise, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this 17th of October, 1901.

Commissioner.

NOT ONE NAME ON RECORD

[illegible]

[illegible]

[illegible]

File with case of William Madson, et al., C.T.-D./808.

Supl.C.T.-D./808.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CITIZENS Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of applicants:

APPEARANCES:
Mr. Maxey & Mason, Attorneys for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.
Q How old are you? A I am 50 years old.
Q Are you a colored man? A Colored man?
Q Yes? A Yes, sir.
Q Where do you live? A I live in Round City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '64.
Q In what time in '64, what season? A Well, I got up there September 12th.
Q To what place now do you refer? A Round City.
Q What is your business, what do you do? A Well, I have done a good many thing for a living, but I was employed by the Second Baptist Church there; that is in '69, in the month of May I took charge of the Second Baptist church there.
Q In what year? A In '69 in May.
Q Well, in what way did you take charge of it; what did you do?
A I preached the best I knew how.
Q You are a preacher are you? A Yes, sir.
Q Well, did you know a Peter Ward there? A Yes, sir, I know him.
Q When did you first get acquainted with Peter Ward? A I was slightly acquainted with him down in Arkansas.
Q When did you first get acquainted with Peter ward? A We was slightly acquainted as I stated down in Arkansas; no, I will take that back if you will please, I get little kinda off, I can't keep memory like I used to.
Q Just tell us when you got acquainted with him? A We was slightly acquainted in the old territory; wasn't that right; what it.
Q Just step now and tell us when you first knew Peter Ward?
A Well, I was correct after all.
Q Ever know Peter ward in Kansas? A Yes, sir.
Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there; that was in '64.
Q About how long did you know him there in Kansas? A Oh, I knew him all the while; while he was there until he came away.
Q Well, about how long was that? A Oh, I guess not over a year or after I got up there; that is as long as we lived together. Well, if you will let me explain it.
Q Go ahead now? A Well, the way this came up; how I got so well acquainted with him was there as I told you, the church got me, employed me for a preacher and he was then a member of that organization and was a deacon in that church and you recollect we had our monthly meetings to transact our business there once a month and of course we had a great deal of business together; that is the way I became so well acquainted with him. We was both members of the same church.

Q Do you know what the last business was that Peter Ward transacted there in a hurt church, or what it was? A Yes, sir. He [illegible] on the 17th day of June, '66; that is the last time he transacted business with me.
Q The last time he transacted business with you in the church?
A Yes, sir.
Q What did you do then? A We elected another deacon in his place.
Q What business was it you transacted on the 17th day of June, '66?
A Well, the reason I remember so well about that, I remember being the last, in reporting a member into the church we, he took a stand against it, and that is what brings me in remembrance of it so well, and it was the last transaction in the church.
Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.
Q By what did you fix the dating of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had our church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined;
Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.
Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

Mr. Davenport: This is this you are talking about? A Peter Ward.
Q What Peter Ward? A Why Peter Ward that's dead, I know.
Q Just Peter Ward? A Yes, sir.
Q Did you ever see more than one Peter Ward in your life?
A No, sir.
Q You say one is dead? A That is the same one.
Q How many [illegible] Peter Ward have? A Oh, I don't know.
Q Did all [illegible] go along with him or did or not?
A I don't know [illegible] they will say; every at the same time or not; I know they [illegible].
Q All left [illegible]? A I would not swear that.
Q Have you been living there at Round City, Kansas, continuously since that time? A Yes, sir.
Q Don't you know where all of his family lives up there now and has been since the war; all of his boys? A I don't know; what ch one?
A I am [illegible] you know them? A Oh, no, I don't know.
Q What boys do you know? A I know some of the older ones.
Q What is one of the older one's name? A There was Perry and Abraham and Charley, I knew them all, and he had one named Dan and he [illegible] but I tell you I know them, and [illegible]

Q [illegible] you saw Peter in the church? A Yes, sir.
Q You have [illegible] of the church books ever since that time?
A No, we [illegible].
Q Been the [illegible] in charge of that church ever since 1866?
A No, sir.
Q [illegible] Kansas City all the time since that time?
A Yes, sir.
Q What do you know up there? A I know quite a number of folks.

Q Do you know J. B. Brown, by chance? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is his?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know J. E. Osborn? A Guy Osborn, I know him.
Q He lives there in Round City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about three, about three miles above Round City, I know him by some perfect name, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then I had elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Yoke, or somplace.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '46.
Q How do you know it was in '46? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '46; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left us; I know he never was with us in church meeting after that, and I have always believed he came right straight to the Territory because I never saw him any more after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just [illegible] that? A I knew that because he was a faithful member [illegible] never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always had some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it the first time you saw this fellow? A We met in Mayesville; well, we hadn't well acquainted them as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where were you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you white people will not stand here against us freedmen, and because we have been a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Cabinge roll and when I come to find it could not find it.

Q Did you get your name on the [illegible] roll? A No, sir; I didn't know when was the proper time, I came too late.

Q Mr. Ward, had Peter Ward been talking to you about coming to the territory A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the territory and of course we calculated when he left there that he came to the territory and I believe that with all my mind.

Mr. DAVIDSON: We have been talking to you before you have been down here this time? A We talked a good deal, we always do when we meet, I have been down here several times before since I come, but I didn't meet him after he [illegible] it must have been five or six years afterwards. Well, the first time I met him was when I came to get my name on the Dawes roll after the came.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while go when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last associated with you at the church? A No, sir.

Peter Nedley: This testimony will be made part of the record in the case at bar and part of the record in D-609, D-610, D-611, D-613, D-425, D-615, D-614, D-618, D-619, D-621, D-622, D-624, D-625, D-626, D-627.

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J. O. Pearson, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes do correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Pearson

Subscribed and sworn to before me this November 6th, 1901.

Commissioner.

C0404

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[illegible] Jr. Cherokee Freedmen, [illegible] Wallace Ward et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4th, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
W. T. Hastings, of counsel for Cherokee Nation.

A. N. Ward, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. N. Ward.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q What is your age? A I am 38 years old.

Q Were you in Lynn County, Kansas, during, and the years immediately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '67? A He moved to the farm of Enos Burden, and some call it the C. M. Kingsbury place now.

Q Is Kingsbury his grandson? A Of Burden's, yes sir.

Q How long did he continue to live on the Burden farm? A 3 years.

Q How by what do you fix that? A The first time that I ever saw I knew where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking Prairie I know it was in '66, I know where I was living at that time.

Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby me I paid him $2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm of Enos Burden.

Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton, but we all called him Clint, and George: I believe that is all that I can bring to mind now at the present time.

Q Have one by the name of Harry? A Yes, sir, I think Harry was the second boy.

Q Was there one named Squire Ward? A Yes, sir, I think there was.

Q You published it here? A Yes, sir, Squire Ward.

Q Where were these children living between the years of '66, when you first knew the family, and '69? A They were living with their father; the boys of course would work around first one place and another wherever they could find work, but there is where they made their home, with their father.

Q Have you seen them since that time, '69? A No, sir, I haven't.

Q If you were anywhere you would know them or not now? A No, sir, I don't think so. Them that I knew in this other place.

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Q Do you know that one over there (indicating farmhouse there)?
A Yes, sir, I have seen that gentleman over there, but I don't
well you by name; I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '92? A No, sir.
Q How far did you live from them out in '88, from the farmer there?
A About a mile and three quarters.
Q Well now did you live that far from '88 to '92 to them? A No,
sir, in '88 I was living further off.
Q Well, when did you come up nearer to them? A When I got mar-
ried in '97; I was married in '97 and I was a little bit closer to
them.
Q Well, were you as near in '92 as you were in '93? A Same place.
Q You were as near to them in '97 as you were in '93? A Yes, sir,
same place.
Q And you remained on the same place from '92 to '98? A Yes, sir.
Q Now during those years, from '92 up to '98, and you and Peter
Ward or any of his sons away from up there? A No, sir.
Q Did you have occasion to see them from time to time? A Only
upon one occasion to my knowledge that I got to see them except just
in passing around. I had one transaction that I was over to their
house.
Q Did you see them in the country any place? A Oh yes, I have
seen them around.
Q You mean by that, that that is the only time you ever had any
personal business transaction with them? A Yes, sir, that is what I
mean, personal business transaction.
Mr. Smith: What month in the year 1886 was it you got acquainted
with Peter Ward? A Well sir, I can't tell you what month, but then
I know it was along in the spring because I was breaking prairie, break-
ing it with oxen.

Q Did you break any present except in the spring? A Not the
prairie, to my knowledge, I never did.
Q You have been there in that country ever since '82? A I had
been there ever since '82.
Q You had been living there some ten or eleven years when you first
became acquainted with Peter Ward? A Well, I came there in May '82,
and it was '86 when I first recollect getting acquainted with them
to know them.
Q Now in what way do you fix the date as in '86 when you first
became acquainted with Peter Ward? A I was breaking prairie east of
where they lived, and I came up there in regard to my foot; as I
said, I had stuck a stub in my foot, and I came up there and Mrs. Ward
gave me a piece of bee gall to put on it to draw it.
Q Well, did your foot get well? A Well it isn't off, I suppose
it did.
Q Well that has been how long ago? A Well '86; that has been
35 years ago.
Q When did you first have any occasion to remember the matter, or
date when you first met Peter Ward, or when was that ever called to
your attention first after that time? A For the first time you mean?
Q Yes? A Well it was in March, '98, that I had the transaction
with him.
Q That had nothing to do, however, with the time you first met him?
A No, sir, not to my knowledge, no, sir, just seen them from them
in passing around.
Q What I mean to say is, the fact that you had the business trans-
action with him in March or any time in '98 would not aid your re-
collection as to the time you first met him, would it? A I don't
know as I understand your question.
Q I say there was no connection between your business transaction
with him in '98 and the time when you first met him, nothing connect-
ing the two things together: one had nothing to do with the other,
did it? A No, sir.
Q Well then, now what did you first have occasion to remember that
you met Peter Ward in '86? A I just met told the occasion, about

plowing and going on there?

Q I know, but you did a great many things in '68 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '68? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Nor for thirty five or six years you had carried in your mind the date that you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking bridle, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can answer with certainty it was in '68 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him - I might have met him but not to know him.

Q Do you think you can possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 8, 1868, it goes on over to there, (indicating on book) is Peter Ward, $2.80; it goes on down to here, to May, '69, $102.84; I spent during that time $102.84.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, to-ward the back there in regard to some Sabbath School records I think, and in that same part there is some few pages that was in '68, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March eight, and arch 9, and goes on down, 9, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Brooks, a colored man, 25¢; no, it is stamps, 12¢.

Q You are sure that that is stamps? A No, sods, 12¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is sods instead of stamps: here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A Yes, sir.

Q Isn't there an erasure on that line? A But to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here: here is some all I believe.

Q That is not the question, are the entries below clearer and more distinct that the word, Peter Ward? A No, sir, and that I

bottom till they get way down there they are about the same.

Q Now then you see there is a part of the P after that you can [illegible] from the other part? A Well that there appears to be a little bit smaller.

Q Can you say why it is that Peter? A Yes, sir.

Q There is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I could.

Q Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears upon the record? A I can't tell you any more than here: not a bit.

Q You don't know? A No, sir.

Q Did you write the word petitions on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is there any blur there now? A Yes, why that has been [illegible] when I made it very plain and I take it again, same as there (indicating) in making that down it looks as though I had made two strokes on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q But that P in petitions is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by [illegible] down and then back, and sometimes then I make a P by making a straight mark and going around the way (indicating) I make P's two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that P now, appears to be a little [illegible] than that [illegible].

Q Well, do you state that that is as clear as the entries below?

A No, sir, I say it is not, it is the same as some that would be [illegible] some other place.

Q Now you didn't see this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an account that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Peter Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q If the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the safe.

Q Do you want this book any more? A I have some regards in regard to [illegible] that I would have to have here.

Q If you [illegible] we would like to keep it a while in this [illegible] will return it to you afterwards? A I have no objection, but there is a little paper in there I would like to [illegible] afterwards.

Q What was this entry made; was it made at the [illegible] appears to have been made? A Yes, sir, I tried to put down the right in which they were made.

Q Now, like the page before, or the second page before this [illegible] Peter Ward I notice this date; (reading) January 8, 1908. [illegible] correct? A Yes, sir.

Q Following that are a great many entries and only the month and the days. Is that intended to be that year? A Yes, sir, everything down to May, when it tells the date on the opposite page.

Q Opposite page to which you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '99? A It does, yes, sir.

Q Mr. Payne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never changed that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q It was in the same condition that you found it when Mr. Keys made the inspection of your work with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case of [illegible] and Dora [illegible] in D-002, D-010, D-011, D-012, D-013, D-014, D-015, D-016, D-017, D-018, D-019, D-020, D-021, D-022, D-023, D-024, D-025, and D-026.

I, [illegible], being duly sworn, says that he stenographically reported to the Commission to the Five Civilized Tribes the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce Gleaves

Subscribed and sworn to and subscribed before me this the 13th day of November, 1901.

M D Green

Notary Public

Commissioner.

Vs. [illegible] C. N. D. 603

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward [illegible] C. N. D. 1907
SUPPLEMENTAL TESTIMONY.

Appearances:
W. W. Hastings for the Cherokee Nation.
Charlotte A Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith : The applicants object to the introduction in evidence of the above mentioned instrument, because it appears on the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question [illegible] will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

(COPY)

State of Kansas: ss.
County of Linn :

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 78 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 29th day of October, A. D. 1901.

(Signed) J. A. Gady
County Clerk of Linn County, Kansas.

(SEAL)

By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case referred and all correspondence thereto as found upon the records of this Commission.

[illegible] being duly sworn that he [illegible] to the foregoing application to the Five Civilized Tribes [illegible] and that the above copy of the certificate filed [illegible] and correct copy of the original, and further that the same is a full and [illegible] statements made in said proceedings.

Subscribed and sworn to before me this [illegible] day of November, 1901.

Commissioner.

File with case C.T.D.#626.

Supl.-C.T.D.#604.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of PETER HUDSON as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mallette & Smith, Vinita, I. T., Attorneys for Applicants;
W. W. Hastings, Cherokee Representative.

J. W. SCHRIMSHER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A J. W. Schrimsher.
Q What is your age? A About 51.
Q Your post office? A Wagoner.
Q Where did you live before the war? A Lived on Big Cabin, near Vinita.
Q Near where the town of Vinita now is? A Yes, sir, about ten mile north.
Q Did you live there during the war? A No, sir
Q When did you come back there after the war? A Come back in '66.
Q What time? A Along in the first of the fall or latter part of the summer.
Q Latter part of the summer? A Yes, sir
Q Did you come back to the old place? A Yes, sir.
Q How long did you live there? A I was there about a year after I came back and left there again.
Q What did you do during that year? A I came back with my uncle Lee Schrimsher, our uncle, and he brought back right smart of stock with him and I was looking after his stock around; outside work.
Q Have you occasion to ride around over the prairie? A Yes, sir; right smart looking after the stock, up and down creeks, more or less.
Q Did you know of any colored family near the Schrimsher place that camped there during the winter of '66? A No, sir, not at all.
Q Did you see any colored family camping around thereat all during winter? A None at all, during the time I was there.
Q You say you herded cattle about over the prairie? A Yes, sir
Q What kind of country is that; is it timbered country or prairie country? A It is mostly prairie; Big cabin is a small creek.
Q Pardible creek? A Yes, sir, and the west prong of Big Cabin, that is there more or less west of where I live.
Q Timber fringe the creeks? there? A Yes, sir; not a great deal of timber.
Q Well, away from the creek it is all prairie? A Yes, sir, it is 25 miles acrewss to the Verdigris, all prairie.
Q There is no timber except up and down the creek? A Yes, sir.
Q I believe you stated there was not very much of that?
A No, sir. Well, right smart on Big Cabin.
Q Mr. Schimsher, could a colored family of three or four colored men have camped there then two or three miles of that place and remained there a whole of the winter, four or five months, winter of '66, and you not have seen them with the opportunity you had of knowing it and riding around as you say over the country, prairie?
A I don't think they could.
Q Do you know this applicant, Peter Hudson? A No, sir; I am not acquainted with him.

MR. KELLETT:

Q How old were you in 1866? A I suppose I must have been 15 or 17 years old.
Q When were you born, what year were you born? A 1849.
Q Well, that has been a good while ago? A Been good long while ago.
Q How many years has it been since '66? A You will have to count that up.
Q I wanted you to count it up? A '66, ten '76, ten is '96, '86, '96, be 36 years.
Q And you came there in 1866, did you? A Yes, sir.
Q How did you know that? A It was said at that day to be '66.
Q Somebody told you it was 1866? A Yes, sir
Q Now, don't you know it is impossible for anybody to remember back that they came to the Nation in 1866, according to what the representative of the Cherokee Nation says? A I don't know.
Q You were a boy 15 or 16 years old? A Yes, sir.
Q And you came here in 1866? A Yes, sir.
Q Positive of it? A Yes, sir.
Q And you remember 35 years ago there was not any colored people in the country? A I didn't say in the country; around near there.
Q Well, you swear that there was not a colored man in there close to the Schrimsher place? A They might have come there and I might not Have seen them; I could not swear they was there.
Q But you will swear you didn't see them? A Yes, sir
Q You will not swear old Peter Hudson was not there in 1866?
A No, sir/
Q Now, do you think if you had seen an old man 35 years ago and you hadn't thought of it, do you think you could remember?
A I don't know.
Q Can you remember every man you saw 35 years ago? A No, sir.
Q Could you remember if you had seen a colored man there 35 years ago? A I might and might not, it depends on circumstances.
Q You might have seen a colored man there and not remember?
A It would be possible.
Q 35 years ago is a long time? A Pretty good time.
Q How many cattle did you have? A I suppose three or four five hundred head.
Q There is a good deal of difference between three or four or five hundred head; how many did you have? A I can't remember.
Q Can't remember the number of head? how many deattle did you have?
A I don't remember.
Q Were you doing most of the Herding? A Yes, sir.

MR. HASTINGS:

Q Do you think if a man camped three or four months there during 1866, do you think you could remember it up to now?
A Well, if a man camped there when there was no one on the creek except one or two families, it looks like he would have shown himself where I was; I don't remember seeing him.

Commission: This testimony will also be filed with Cherokee Freedman case No. D.806.

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony had in this case on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Stenographer.

Docket No. 496

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of HENRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible] Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209, filed in the Mariah Hayden case D. D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Wm. Watson, D [illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

[illegible] in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed as far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provided that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. S. Rothschberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. C. Hunter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

[illegible]
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peter Hudson and others, consolidating the applications of

Peter Hudson,	Cherokee	Freedman	D	604
William Hudson, et al.	"	"	D	603
Peter Ward, et al.	"	"	D	613
Abraham Ward, et al.	"	"	D	607
Ben Ward, et al.	"	"	D	614
Squire Ward, et al.	"	"	D	615
Sadie Ward,	"	"	D	606
David Ward,	"	"	D	612
George Ward,	"	"	D	485
Alonzo Ward, et al.	"	"	D	608
Will Ward, et al.	"	"	D	610
Berry Ward,	"	"	D	611
Lena Ward, et al.	"	"	D	1117
Malinda Williams, et al.	"	"	D	618

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Mary and Elnora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matterof the application of Daniel Thompson, et al., is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward, were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons who e applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburd Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Roxie Beason should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 496); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abrahma Ward, Artee Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Deloha Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1903

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Hudson,
Miner, I. T.
Cherokee-F-D-605.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
R-694, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Opal, Myrtle and Lena Ward and Annie Beason, and rejecting the applications for the enrollment of Peter Ward, Eliza Emmett, Louisa, Ben, Abraham, Artee, Ben, Squire, Joseph, Jennie, Eliza, Emile, David, George, Alonzo, Savannah Mary, Minera, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Dolcie Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. Needles.

Commissioner in Charge.

Enc. R-6.

COPY.

Cherokee Freedmen
D-695

Muskogee, Indian Territory, August 24, 1903.

William Hudson,

Vinet, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your five minor children, Rhett, Levi, Wilburn, Ida and Ivory Hudson, and rejecting your application for the enrollment of your wife, Eliza Hudson, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-147
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903

Edgar Smith,

Attorney for Peter Hudson et al.,

[illegible] Secretary.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Ezra, Elnora, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Delcie Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-4-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-149

Register.

COPY.

Creek Freedmen
2-1-5 to 2-1-7

Muskogee, Indian Territory, August 24, 1905

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Wilson et al, including the Commissioner's decision dated July 10, 1905, granting the applications for the enrollment of Peter, William, Amanda, Tony, Wilson, Ida and Ivory Wilson, Lewis, Vannie, Martha, Florence, Emil, Myrtle and Edna Ward and Nellie Perkins, and rejecting the applications for the enrollment of Peter Ward, Elsie Perkins, Lesley, Ivy, Abraham, Arvie, Toby Sydney, Joseph, Jessie, Elsie, Dollie, Ivy, Georgia, Alonzo, Lemmie, Ray, Elmore, Will, Orville, Ernest and Jerry Ward, Wilson, Martha and Dollie Williams as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enc. 2-1-5 to 2-1-7

Refer in reply to the following: Land. 25670-1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, April 13, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1904, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Mara, and Elnora Ward and for his wife, Mahala, as an unmarried freedman; Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Delcie Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Rosie Benson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the

slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Arbes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons mentioned in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitmires." From the record the minor applicants last mentioned do not appear to be entitled to enrollment

by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonzo Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonzo Ward and his children, Savannah, Kara, and Elnora, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has got yet passed upon her rights, if any she has.

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children,

Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Nell Ward, mother of the two minor applicants last named, is "a state woman" and said applicants are not entitled to enrollment by reason of descent from her.

Harry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to

enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Roxie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-D

D C LaSH-1904. GDT WHP

I.T.D. 2854-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. WHE

April 29, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604, et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Mary, Minerva, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Dolcis Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

render a decision as to the rights of Mahala Ward, the applica for enrollment as a freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-604.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et als,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Lovi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Lexie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonso, Savannah, Ezra and Elnora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-804 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Kara and Elnora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-606.

Muskogee, Indian Territory, May 11, 1904.

William Hudson,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson, and rejecting, among others, the application for the enrollment of your wife, Eliza Hudson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

er Fr 1334

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 6, 1902.

In the matter of the application of Ben Ward for the enrollment of himself, his wife and five children as Cherokee freedmen.

A Appearances
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation;

Ben Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ben Ward.
Q How old are you? A I am about 48 I guess.
Q What is your post office? A Vinson.
Q What district do you live in? A Canadian.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir, and family.
Q Is your name on the roll of 1880? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Saline, Sullivan, and Clifton and Keys.
Q What is your father's name? A Peter Ward.
Q Have you got a brother named Abram? A Yes, sir.
Q Is that the Abram and Peter Ward who have just been listed for enrollment this morning, as Cherokee freedmen? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife.
Q Just your wife? A Any children.
Q How many children? A Five I think.
Q Five children under age? A No, four.
Q What is your wife's name? A Sarah Hudson, daughter of Peter Hudson.
Q How old is she? A I don't know, she must be about 48 I think.
Q Please give me the names of your children, Mr. Ward? A I have got one daughter married.
Q Well, she must attend to herself. A Well, Vannie.
Q How old is that child? A He is 15.
Q The next child? A Martha.
Q How old is Martha? A She is 13, going on 13.
Q The next child? A Clarence, he is 11, going on 12.
Q The next one? A Neal
Q How old is Neal? A He is 10.
Q Well? A Myrtle.
Q How old is Myrtle? A 7.
Q That all? A Yes, sir, that is all.
Q Is this eldest child named Vena or Vannie? A Vannie.
Q Those children all living at this time? A Yes, sir.

The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.

The Keys-Clifton roll examined and the applicants identified thereon as follows:

Ben Ward on page 136, No. 1130, Canadian district;
Sarah Ward on page 140, No.3044, Canadian district, as Sarah Hudson;
Vannie Ward on page 136, No. 1131, Canadian district;
Martha Ward on page 136, No. 1144, Canadian district;
Clarence Ward on page 136, No. 1135, Canadian district;
Neal Ward on page 136, No. 1136, Canadian district;

Sam Ward -6.

The Dawes roll examined, and the applicants identified thereon as follows:

Sam Ward on page 151, No. 9158, Cherokee Nation.
Sarah Ward on page 168, No. 9552, district not given, Sarah Endora.

Q Is Sarah Endora the mother of the children you apply for? A Yes, sir.
Q When did you marry her? A About '72.
Q Is she your first wife? A Yes, sir.
Q Was her first husband? A Yes, sir.
Q Is she living now? A Yes, sir.
Q You been living continuously with her since 1872? A Yes, sir, I think '72.
Q Have you any marriage certificate? A No, sir.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Jim Ward.
Q Was he a Cherokee? A Yes, sir.
Q Well, were you taken out with the Cherokee Nation during the war? A Yes, sir.
Q Where to? A Went up in Lyon county, Kansas.
Q What is your father's name? A Peter Ward.
Q You got a brother named Abram? A Yes, sir.
Q Were you together when you went out, were you with your father up there? A Yes, sir.
Q Did you return with them ? A Yes, sir, I came back with them.
Q You been living here ever since? A Ever since, never been out.
Q Are these children all living at this time? A Yes, sir, they are all living that I apply for.

Mr. Hastings: Was your wife ever married before you married her?
A No, sir.
Q Have any children when you married her? A No, sir.
Q You were never married before you married her? A No, sir.
Q Did you see your young master, Joe Ward, in Kansas before returning here after the war? A Yes, I think I did.
Q You remember what year it was? A No, I don't remember exactly, it was '72 or 4 I think, somewhere along there.
Q Did you see Jeff Brown up there? A Not that I know of.
Q Jeff Brown, a colored man? A I don't know whether I seen him or not.
Q It was after you saw your y ung master Joe Ward when you and your father and your brother Abram came down to the Cherokee Nation?
A Yes, sir.
Q You were married herein the Cherokee Nation? A Yes, sir.
Q Did you ever see Will of John Ward, your young masters, after the war, up here in the Cherokee Nation? A Yes, I seen them last fall.
Q Did you ever see them before that? A Not that I know of.
Commissioner: Have you any proof of your marriage to your wife Sarah?
A Why I don't know whether I has or not right here.
Q Anybody here that saw you married? A No, I don't think there is.
Q Anybody here know you have been living with her all the time?
A All these folks that lives up there knew it.

Abram Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Abram Ward? A Yes, sir.
Q You have just been listed for enrollment here? A Yes, sir.
Q Do you know the applicant Benjamin Ward? A Yes, sir.
Q What relation is he to you? A Brother.
Q Was he taken out of the Cherokee Nation the same time you were?
A Yes, sir.
Q Returned the same time? A Yes, sir, he went but I stayed with the army, he went with his father.
Q He returned with you? A Yes, sir.
Q You know his wife Sarah? A Yes, sir.
Q Well, you know whether they are married or not? A Yes, sir.

Ben

Ben Ward -6.

Q They are married? A Yes, sir.
Q Have they lived together continuously as man and wife since 1872?
A Yes, sir.
Q Recognized by the neighbors as man and wife? A Yes, sir.
Q By the community? A Yes, sir.
Q You saw them married? A No, sir, I didn't see them married.
Q You know his children when he applied for enrollment for here, Vennie, Martha, Clarence, and Noah? A Yes, sir, know them all.
Q They are all children of his wife Sarah? A Yes, sir.
Q Her name was Hudson? A Yes, sir, he married her.
Q Daughter of Peter Hudson? A Yes, sir.
Mr. Hellring: This applicant is your full brother? A Yes, sir.
Q His father is Peter Ward who applied today? A Yes, sir.
Q And he returned to the Indian Territory in '66 with your father?
A Yes, sir.

CONCLUSIONS: Benjamin Ward applied for the enrollment of himself, his wife Sarah, and his five children, Vennie, Martha, Clarence, Noah and Myrtle. He nor his wife cannot be identified upon the authenticated roll of 1880, or the roll of 1896, but they are both fully identified upon the Keys-Clifton and the Wallace roll, he by the name of Ben Ward, and she by the name of Sarah Hudson, her maiden name. He avers that his wife is the daughter of Peter Hudson, who has this day been listed for enrollment as cherokee. The testimony taken in the application of Peter Hudson will be made part of the record in the case of her, and a copy thereof filed, which will be referred to as to the citizenship of the said Sarah Ward, wife of Benjamin. Benjamin Ward avers that he is a brother of Abram Ward, who has this day been listed for enrollment as a Cherokee freedman on D card 697, and the testimony taken in the case of said Abram Ward will be made part of the record in the case of Benjamin Ward, and a copy filed with his case. He will be duly notified of the decision of the commission when the case is arrived at. Benjamin Ward, his wife Sarah, and his children, as enumerated herein will be listed for enrollment as Cherokee freedmen on a doubtful card, awaiting further consideration by the Commission.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce G. Jones,

Sworn and subscribed before me this the 19th of June, 1902.

(Signed) C. R. Breckenridge

Commissioner.

Department of the Interior
Application to the Five Civilized Tribes,
Muskogee, I.T., June 6, 1906.

In the matter of the application of Dan Ward for the enrollment of himself, his wife and five children as Cherokee freedmen.

Appearances:
Matthew J Smith, attorney for applicant
C. M. Stedman, of counsel for Cherokee Nation

Dan Ward, being duly sworn and examined by Commissioner Dunlap, testified as follows:

Q What is your name? A Dan Ward.
Q How old are you? A I am about 45 I guess.
Q What is your post office? A Vinson.
Q What district do you live in? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir, and family.
Q Is your name on the roll of 1880? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No, Dawes, Guinn, and Clifton and Kern.
Q What is your father's name? A Peter Ward.
Q Have you got a brother named Sherd? A Yes, sir.
Q Is that the Sherd and Peter Ward that have just been listed for enrollment this morning, as Cherokee freedmen? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife.
Q What is your wife? A Any children.
Q How many children? A Five I think.
Q Five children under age? A No, four.
Q What is your wife's name? A Sarah Osborn, daughter of Peter Osborn.
Q How old is she? A I don't know, she must be about 26 I think.
Q Please give me the names of your children, Mr. Ward? A I have got one daughter married.
Q Well, she must attend to herself. A Well, Vennie.
Q How old is that child? A She is 15.
Q The next child? A Martha.
Q How old is Martha? A She is 13, going on 14.
Q The next child? A Clarence, he is 11, going on 12.
Q The next one? A Neal.
Q How old is Neal? A He is 10.
Q Will? A Myrtle.
Q How old is Myrtle? A 7.
Q That all? A Yes, sir, that is all.
Q Is this eldest child named Dan or Vennie? A Vennie.
Q These children all living at this time? A Yes, sir.

The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.

The Kuykendall roll examined and the applicants identified thereon as follows:

Dan Ward on page 126, No. 3132, Tahlequah district;
Sarah Ward on page 126, No.3133, Tahlequah district, as Sarah Osborn;
Vennie Ward on page 126, No. 3134, Tahlequah district;
Martha Ward on page 126, No. 3135, Tahlequah district;
Clarence Ward on page 126, No. 3136, Tahlequah district;
Neal Ward on page 126, No. 3137, Tahlequah district;

The Indian roll examined, and the applicants identified thereon as follows:

Jim Ward on page 145, No. 8909, Tahlequah district.

Sarah Ward on page 146, No. 8910, district and town, Sarah Hickman.

Q Is Sarah Hickman the mother of the children you apply for? A Yes, sir.
Q When did you marry her? A About '72.
Q Is she your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q Is she living now? A Yes, sir.
Q You been living continuously with her since 1872? A Yes, sir, I think '72.
Q Have you any marriage certificate? A No, sir.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Jim Ward.
Q Was he a Cherokee? A Yes, sir.
Q Well, were you taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where to? A Went up in Lyon county, Kansas.
Q What is your father's name? A Peggy Ward.
Q You got a brother named Jerry? A Yes, sir.
Q Were you together when you went out, were you with your father up there? A Yes, sir.
Q Did you return with them? A Yes, sir, I came back with them.
Q You been living here ever since? A Never since, never been out.
Q Are these children all living at this time? A Yes, sir, they are all living that I apply for.

Mr. Hutchings: Was your wife ever married before you married her?
A No, sir.
Q Have any children when you married her? A No, sir.
Q You were never married before you married her? A No, sir.
Q Did you see your young master, Joe Ward, in Kansas before returning here after the war? A Yes, I think I did.
Q You remember what year it was? A No, I don't remember exactly, it was '72 or 4 I think, somewhere along there.
Q Did you see Bugby Brown up there? A Not that I know of.
Q Jeff Brown, a colored man? A I don't know whether I seen him or not.
Q It was after you saw your y ung master Joe Ward when you and your father and your brother Jerry came down to the Cherokee Nation?
A Yes, sir.
Q You were married herein the Cherokee Nation? A Yes, sir.
Q Did you ever see Will of John Ward, your young master, after the war, up here in the Cherokee Nation? A Yes, I seen them last fall.
Q Did you ever see them before this? A Not that I know of.

Commissioner: Have you any proof of your marriage to your wife Sarah?
A Why I don't know whether I has or not right here.
Q Anybody here that saw you married? A No, I don't think there is.
Q Anybody here know you have been living with her all the time?
A All them folks that lives up there knew it.

Jerry Ward, being duly sworn and examined by Commissioner Needles, testified as follows:
Q Your name is Jerry Ward? A Yes, sir.
Q You have just been listed for enrollment here? A Yes, sir.
Q Do you know the applicant Benjamin Ward? A Yes, sir.
Q What relation is he to you? A Brothers.
Q You be taken out of the Cherokee Nation the same time you were? A Yes, sir.
Q Returned the same time? A Yes, sir, he went but I stayed with the army, he went with his father.
Q He returned with you? A Yes, sir.
Q You know his wife Sarah? A Yes, sir.
Q Well, you know whether they are married or not? A Yes, sir.

Ben

Ben Ward -6.

Q They are married? A Yes, sir.
Q Have they lived together continuously as man and wife since 1872?
A Yes, sir.
Q Recognized by the neighbors as man and wife? A Yes, sir.
Q By the community? A Yes, sir.
Q You saw them married? A No, sir, I didn't see them married.
Q You know his children when he applied for enrollment for here, Vennie, Martha, Clarence, and Neal? A Yes, sir, know them all.
Q They are all children of his wife Sarah? A Yes, sir.
Q Her name was Hudson? A Yes, sir, he married her.
Q Daughter of Peter Hudson? A Yes, sir.
Mr. Rellstab This applicant is your full brother? A Yes, sir.
Q His father is Peter Ward who applied to-day? A Yes, sir.
Q And he returned to the Indian Territory in '66 with your father?
A Yes, sir.

CONCLUSIONS: Benjamin Ward applied for the enrollment of himself, his wife Sarah, and his five children, Vennie, Martha, Clarence, Neal and Myrtle. He nor his wife cannot be identified upon the authenticated roll of 1880, or the roll of 1896, but they are both duly identified upon the Kern-Clifton and the Wallace roll, he by the name of Ben Ward, and she by the name of Sarah Hudson, her maiden name. He avers that his wife is the daughter of Peter Hudson, who has this day been listed for enrollment on card C-691. The testimony taken in the application of Peter Hudson will be made part of the record in the case at bar, and a copy thereof filed, which will be referred to as to the citizenship of the said Sarah Ward, wife of Benjamin. Benjamin Ward avers that he is a brother of Abram Ward, who has this day been listed for enrollment as a Cherokee Freedman on D card 807, and the testimony taken in the case of said Abram Ward will be made part of the record in the case of Benjamin Ward, and a copy filed with his case. He will be duly notified of the decision of the Commission when the same is arrived at. Benjamin Ward, his wife Sarah, and his children, as enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn and subscribed before me this the 13th of June, 1902.

(Signed) C. T. Brodnax

Commissioner.

B. F. D. 616.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 8 - 1904

Post Office Vinita, I.T.

District COOWEESCOOWEE.

1. Name Ben Ward Age 43 about

Owner's name Citizenship

Year N.B. Page 176 No. 3130 District Coo

Parents:

Father Peter Ward - living Citizenship Colored

Mother Citizenship

2. Name of wife Sarah Ward Age 49 about

Owner's name Citizenship

Year N.B. Page 144 No. 3566 District Coo

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Samuel Ward	Year N.B.	Page 176	No. 3133	Dist. Coo	15
4.	Martha "	Year N.B.	Page 176	No. 3144	Dist. "	13
5.	Lorenzo "	Year N.B.	Page 176	No. 3135	Dist. "	11
6.	Neal "	Year N.B.	Page 176	No. 3136	Dist. "	10
7.	Myrtle "	Year	Page	No.	Dist.	7
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Dorthula

Stenographer R. B. Gould

Marion Weir's w'k C. 151 " " 3153. Coo Dist
Mary an " " C. 183 No 3358, Sarah Hudson
Hoo an N. B. Rec'd Sarah Hudson
Hoo. Birth certificate required

Ret to R & C Land & Off
Represented by Miller Smith, Vinita, I.T.

CHEROKEE FREEDMAN

No. 1334

IN RE

Application for Enrollment of

INFANT CHILD

Myrtle Ward.

as a citizen of

CHEROKEE Nation.

[signature]

1901

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 1 1901

[signature]

ACTING CHAIRMAN

BIRTH AFFIDAVIT. 40

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Myrtle Ward (Here insert name of child), born on the 4th day of May, 1894

Name of Father: Ben Ward, a citizen of the Cherokee Nation.

Name of Mother: Sarah Ward, a citizen of the Cherokee Nation.

Post-office, Wimer I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, Sarah Ward, on oath state that I am 42 years of age and a citizen, by Birth, of the Cherokee Nation; that I am the lawful wife of Ben Ward, who is a citizen, by Birth, of the Cherokee Nation, that a female child was born to me on the 4th day of May, 1894 that said child has been named Myrtle Ward, and is now living.

Sarah her + mark Ward

WITNESSES TO MARK

(Must be Two Witnesses) B. M. McFarland

V. Blair

Subscribed and sworn to before me this 22nd day of June, 1901.

J. M. Blair NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, [illegible], on oath state that I attended on Mrs. Sarah Ward, wife of Ben Ward, on the 4th day of May, 1894, that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Myrtle Ward

[illegible]

WITNESSES TO MARK

(Must be Two Witnesses) B. M. McFarland

Vivian V. Blair

Subscribed and sworn to before me this 22 day of June, 1901.

J. M. Blair NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE
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AUG 19

Dec Wards 1916

Malcolm A Smith, for applicants
J. W. Hastings for the Cherokee Nation -

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T., June 6th, 1906.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen. He appears by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Abraham Ward.
Q How old are you? A 58.
Q What is your postoffice address? A Tyner.
Q In what district do you live? A Sequoyah.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy Arlee Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee freedman? A Yes sir I am.
Q Is your name on the 1880 roll? A Yes sir.
Q Is it on any of the rolls? A [illegible] appears on the Wallace roll.

The 1880 authenticated roll of the Cherokee Indian freedmen examined and the name of the applicant found thereon as follows:

The 1896 census roll of the Cherokee freedmen examined and the name of the applicant not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 2117, Abraham Ward, Sequoyah district.
Page 125, No. 2124, Arlee Ward, Sequoyah district.

The Wallace roll of the Cherokee freedmen examined and the name of the applicant found thereon as follows:

Page 152, No. 2162, Abraham Ward, Sequoyah district.

Q Where were you born? A On Bunker Hill,
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A [illegible] Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I [illegible]
Q When did you go? A In [illegible]
Q What regiment? A Blount's Regiment.
Q Where did you enlist? A I didn't enlist, I was waiting for the officer's body servant.
Q Where did you go? A Went to Fort Gibson, Arkansas, but did not the officers and after that I drove a [illegible]
Q When did you return to the Cherokee Nation? A In the spring of 65.
Q Have you lived here continuously ever since? A Yes sir.
Q [illegible] A Yes sir I was [illegible]
Q [illegible] A Abraham.
Q [illegible]
Q [illegible] A Yes sir.
Q [illegible]
A Yes sir, I was [illegible]
Q [illegible] A Yes sir.

Q Did you live with Cherokees until her death? A Yes sir.
Q Who were your owners? A Jim and Lucinda Ward.
Q And they were Cherokee citizens were they? A Yes sir.
By Mr. Hallette:
Q Have you a place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How long have you owned it? A Since '88.
By Mr. W. B. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.
By Mr. Hallette:
Q You have never lived out of the Cherokee Nation since your return in '68? A No sir.
By Mr. Hastings:
Q Your father was Peter Ward? A Yes sir.
Q Are you his son? A Yes sir.
Q Are you his eldest son? A Yes sir.
Q You went to Round City Kansas didn't you? A Yes sir after I quit driving Government teams.
Q That is in Linn County? A Yes sir.
Q Do you know Sidney Bethel? A Yes sir.
Q Did you see him in Kansas? A Yes sir.
Q What year did you see him there? A I think it was in '67.
Q You knew Joe Ward? A Yes sir we were raised together.
Q He was your young master? A Yes sir.
Q You saw him in Kansas too didn't you? A Yes sir in '68 when I was driving a Government team he came to our house.
Q Was that after or before the war closed? A Some year that the war closed, I and him in Round City and he sent me to my father's house I was living with my father.
Q You were not married then? A No sir, married directly after.
Q What year did you marry? A In the fall of '65, after he was up there.
Q How old is your eldest child? A He is 28 I think it is according to my judgment.
Q What time in the year was that eldest child born? A In September
Q Was he 28 last September or this coming September? A This coming September.
Q That is your best judgment? A Yes, sir.
Q Did you come back with your father, Peter Ward? A No sir not the first time I came.
Q Didn't you testify before that you came back with your father?
A No sir, I went to visit [illegible] and the next time I came back.
Q Didn't you testify that you came back with your father?
A No sir, I came to my home on the Illinois and came back to [illegible] with my father.
[illegible] A Yes sir.
[illegible] A One brother or sister.
[illegible] A Died a year this time.
[illegible] A About a month or so.
[illegible] A In November
[illegible] A Yes sir, but I was on
[illegible] the first time.
[illegible] A

Q What direction from the mouth of Bird Creek? A Northeast.
Q How far from the Kansas line? A About 8 miles south.
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
Q Had they houses there then? A Yes sir.
Q Had they made a crop of corn that year? A Not much, there was a drouth there, that was when I went up the first time.
Q What time was it when you went up? A In August.
Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
Q That was in 63? A No sir.
Q Your young master Joe Ward testified that he saw you there in '64?
A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
Q Where? A On Big Creek.
Q When? A I had been there about two years.
Q Did you locate right on the place where you now live? A Yes sir.
Q And have lived there ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q He lived there with you? A Yes sir.
Q What Cherokees are living along there? A Albert Morris.
Q Was he living there when you came? A No sir.
Q How far was Jim Keptin living from there when you came there?
A No sir, he was not living there and the Ballards were not living there either then.
Q You understand that question didn't you? A I know they was not living there then.
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
Q Where did you get anything to eat that fall? Get it from these neighbors and Sanders? A We brought some along with us.
Q Do you know Joes Proctor and Yocumpah? A Yes sir.
Q They were up in Kansas looking after some pension matters weren't they? A I didn't know.
Q Was Sam Webber living in a house up there? A Yes sir.
Q Who did you stay all night with up there? A With Peter Meigs.
Q Last war in August? A Yes sir.
Q When? A The 5th, latter part of August.
Q Did old Uncle Meigs have in a crop there then? A Yes sir a little one.
Q By the Commissioner:
Q Was Sam Webber put on the 1880 roll? A I don't know, the census [illegible] was there.
Q Did you ever apply to have your name enrolled? A No sir; the [illegible] and went down there and tried it [illegible] unnecessary to go down there as [illegible] people.

[illegible] witness before Com'r T. B. [illegible]

[illegible]

Q What is your postoffice address? A Chelsea.
Q Are you a recognized freedman of the Cherokee Nation? A Yes sir
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A I got acquainted with him in the fall of '66.
Q Do you know if he was a slave? A No sir I don't.
Q Where did you see him in the fall of '66? A At Fort Gibson.
Q What did you see him in the fall of '66? A I saw him after I came up here to Gibson Station.
Q Have you known him ever since that time? A I saw him when I arrived up here to Gibson Station.
Q You did you happen to see him at Fort Gibson in '66? A He came in there after Indian ponies and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '66? A Yes sir.
Q You had never seen him before that? A No sir.
Q You didn't witness for him before the Kern Gibson Court did you?
A No sir.
Q Do you know how long he stayed in Fort Gibson that time? A No sir I don't.
Q What time did you see him there? A In the fall.
Q What time in the fall? A First part of September or the last part of August, somewhere's along there.

By the Commission:

Q How did you know it was in '66? A Because I was living right there and noticed all the girls that came in there.
Q You was a young man then? A Yes sir.
Q You was a government officer also wasn't you? A Yes sir.

Sam Webbes, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webbes.
Q How old are you? A 58.
Q What is your postoffice address? A Kenata.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Got acquainted with him in Kansas during the war? A Yes sir, time of the war.
Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
Q Where did you see him? A On Big Creek.
Q He came up there to live? A Yes sir.
Q Did he have his family there with him? A Yes sir he had his family with him.
Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
Q Have you known him ever since? A Yes sir.
Q Has he lived in the Cherokee Nation continuously ever since?
A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, first was falling.
Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
Q About how long before that? A I can't just tell, not a great while.
Q A month? A Must have been a month, I don't remember exactly.
Q Are you prepared to swear positively that all those people came

down there 35 years ago, in '66? A Yes sir all these I am acquainted with that comp.
Q How far did this man live from you then? A 4 miles.
Q He has lived there ever since? A Yes sir.
Q You know he was living there in '67? A Yes sir.
Q You know he was living there in '68? A Yes sir.
Q You are willing to swear that he has continued to live there continuously ever since '68? A Yes sir.
Q Did you know his father? A Yes sir.
Q What is his name? A Peter Yard.
Q He came with his father did he? A Yes sir they came together.
Q And settled in the same neighborhood? A Yes sir.
Q What place in Kansas did you come from? A I can hardly name place they come from.
Q Mound City? A Yes sir.
Q Did you know them there? A Yes sir.
Q Did you go back up there directly after you came down here and settled? A No sir.
Q Did you go back there in '67 or '8? A No sir.
Q Was this man married when he came down there? A Yes sir.
Q Was his wife with him? A Yes sir.
Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.
Q Did he have any? A If he did, I don't know it.
Q You know he was married though? A Yes sir.
Q Did he live with his father when they first came there? A They both camped there close together.
Q Did they make separate homes? A Yes sir.
Q Had you made a crop there when he came? A No sir.
Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.
Q About how far did they locate from the Kansas line? A I could hardly know.

APPLICANT recalled and examined by W. H. Hastings:
Q You saw Will and John Yard directly after Will got into trouble did you? A Yes sir I saw Will, he came to my house.
Q You had a talk with him? A Yes sir.
Q You told him where you had been? A No sir, not exactly as to where I had been.
Q Talked about old slavery times? A Yes sir.
Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above application reported by B. S. Jones.

Chas. Von Weise, being sworn, stated that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.
Signed, Chas. Von Weise.
Subscribed and sworn to before me this the 10th of June, 1902, at Muskogee, I.T.,
Signed, B. S. Jones,
Commissioner.

(Continued from testimony taken by Stenographer Chas. Von Weise, June 6, 1902.)

Q What is your name? A George Meigs.
Q What is your age? A I don't know exactly, about sixty some odd.
Q What is your postoffice? A Wagoner.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Your name on the 1880 roll? A No, sir.
Q You made application to be enrolled? A Been been enrolled, all excepting two witnesses.
Q Do you know Abram Ward, the applicant here? A Yes, sir.
Q How long have you known him? A Been close on to Big Creek.
Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
Q Who did he belong to? A Belonged to a man they called George Ward.
Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
Q Where did he go? A Went up to Fort Scott.
Q Did you see him? A No, sir, I just met him up there.
Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
Q When was the first time you saw him after the war? A Why it was in the fall of '66.
Q Where did you see him then? A On Big Creek.
Q Was he living there? A Well, he had been there ever since.
Q Was he living there then? A When I saw him, why he just came.
Q Did he have a family with him when he came? A Yes, sir.
Q How many children did he have? A Well, I can't hardly tell you.
Q Have his wife? A Yes, sir.
Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
Q Have you known him since that time? A Yes, sir.
Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
Q You were taken out during the war, were you? A Yes, sir.
Q Did you return with Abram Ward? A I returned just a little before he did.
Q You saw him here in '66 in the fall? A Yes, sir.
Q Mr. Hastings: How long had you been back when you saw Abe?
A I can't know exactly.
Q A year or two? A I hain't been back a year, no, sir.
Q Well, had you put in a crop that year you came back? A No, sir, I hain't them.
Q Did you have any corn in when he came? A No, sir.
Q Any potatoes in? A I had a patch started to clear out.
Q But you had no corn on it? A No, sir.
Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
Q But had you planted any when this man came down here? A No, sir.
Q George, you don't know anything about dates, now? A No, sir, I don't.
Q You don't know one year from another? A No, sir, I don't know, of course I can get at it directly.
Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived down at a little town they called Park Hill, in Park Hill District.
Q What did you belong to, a man they called Indian

Russell and Ella Hankins.

Q How far was that from Bostic's Branch? A It wasn't a great ways, I don't know.

Q What direction was Bostic's Branch[illegible] from where you lived? A To my judgment, it must have been [illegible] northeast north.

Q You were up there before the war, were you, Bostic's Branch?

A No, sir, I don't know that I have ever been to the place.

Q When did you first see Joe? A The first time I ever saw him to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, that he belonged to.

Q You swore a while ago he belonged to George Hunt? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Haigh? A Yes, sir.

Q Peter Haigh went down before the court to have himself and family enrolled? A Yes, sir.

Q Had you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have that you first saw him there, after the war? A I can't hardly tell you; I knew all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Russell Lee.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter [illegible]? A Yes,sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that fall they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for goods.

Q Not to there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to [illegible] about '66 like I do, but my daddy was rushing to get down there to get a pla t for his children.

Commissioner: Your daddy knew he had to be there in '66 did he?

A Yes, sir.

Commissioner: Every word spoken by the applicant of himself and his own [illegible] is sustained by the authenticated roll of 1880 or the census roll of 1890 from an examination of the same, but he is [illegible] Seven-Eleven and the Delong roll. He should have been identified upon the Dave-Eleven roll. He says he was born in the Territory in the Cherokee Nation, but it will be necessary that [illegible] his child [illegible] will be listed for [illegible]

[redacted]

[redacted]

[redacted]

AMPP

File No. [illegible] D.C. D-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 29th, 1906.

In the matter of the application of Peter Hudson for enrollment as a Cherokee Freedman, he being sworn by Commissioner T. B. Needles, testified as follows:

Mallette & Smith, attorneys for the applicant.
W. W. Hastings, Attorney for the Cherokee Nation.

(Examination by Com'r Needles)
Q What is your name? A Peter Hudson.
Q How old are you? A I can't know, sir, how old I am.
Q How much how old are you? A 70 or 72.
Q What is your postoffice address? A Eufy.
Q In what district do you live? A Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A Just myself
Q Is your name on the 1880 roll? A I don't know sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace and Kern Clifton rolls.

The Kern Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 144 No.3984, Peter Hudson, Tahlequah district.
Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 118 No.3488, Peter Hudson, Tahlequah district.
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.
The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

By Mr. Mallette:
Q Were you a slave prior to the war? A Yes sir.
Q Who owned you? A Uncle Quinton.
Q Was she a Cherokee Indian? A Yes sir.
Q Where did she live? A On Honey River.
Q Did you leave the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A To Kansas.
Q What place? A Fort Scott.
Q When did you return to the Cherokee Nation? A I came back in the spring of '66.
Q Where to? A On Hudson creek.
Q Where is that? A East of here, runs into Honey river.
Q Where have you lived since you came back here in 1866? A Part of the time of Hudson creek, and my home part of the time has been on Big Creek.
Q Have you ever been out since you came back in '66? A No sir.
Q Have you a place on the Public Domain of the Cherokee Nation?
A Yes sir.

By Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to this question because it does not tend to prove a compliance of the applicant with the treaty stipulations

By Com'r Needles: The objection is overruled - you can ask the question.

By Mr. Hastings: We desire the objection noted.

By Mr. Mallette of applicant:
Q What was your answer to my question? A I have a place on Big Creek.
Q How long have you owned it? A I dont know - I can't tell.
Q How many children have you living of your own? A Two.
Q What is the names of your children who are living? A Sarah and Billy Hudson.
Q How old is Sarah? A She was born before the war.
Q Did she come back the same time you did? A Yes sir.

Q [illegible] is the name of the other one? A Philip.
Q How old is he? A Older than she is.
Q Did he have a child? A Yes sir.
Q Was she her owner? A Emily Hudson.
Q Has Sarah been a slave? A Yes sir.
Q Who was her owner? A Emily Hudson.
Q Did they both come back to the Cherokee Nation with you?
A Yes sir.
Q Who did you come back to this country with?
A Came with me and my family.
By Mr. Hastings:
Q About how old are you?
A I don't know how old I am. I guess about 77 or 78 years old.
Q Where did you live before the war? A On Verdigris River.
Q What town is near there now? A I don't know, closest is Bartlett Springs I guess.
Q How far did you live from the line - the State line?
A I don't know.
Q How long did you live up there before the war? A I don't know that either.
Q You were living there when the war commenced? A Yes sir.
Q When the fighting commenced? A Yes sir.
Q Did Emily Hudson have a husband? A Yes sir.
Q What is his name? A Alfred Hudson.
Q Was he living then? A Yes sir.
Q Did she have any family? A She had a son living then.
Q What was his name? A Thomas Hudson.
Q What kind of a farm did they have? A A prairie farm.
Q What kind of a house did they live in? A Log house.
Q Did it have two rooms? A Two rooms.
Q Where did they get their water, from a spring or a well? A Spring
Q Did you know a man called Dr. Hayden then? A In part.
Q Where did he live? A At Maysville, or down on the line on Arkansas.
Q How far was Maysville from where he lived when the war commenced?
A 35 or 40 miles I guess.
Q How did you happen to get acquainted with Dr. Hayden? A Well that makes a whole kind of a long talk.
Q Well that is what we will have to have them uncle for I want to know just how you became acquainted with him? A Well we had a mighty terrible spell of sickness in the family at Maysville and they used Dr. Hayden as a doctor and we treated them all and then he had to be paid, and in paying him they let him have a nephew of mine named Dan for part pay and he let my old boss have 90 head of cattle in the trade, that is how I come to know him. I dont think it is any necessary use to bother about that any more cause I has got a man here in town that can prove that I was not sold to him myself, it was a nephew of mine. I know that Dave Hayden's son that said that I was sold but I wasn't.
Q You deny them that you were sold to Dr. Hayden? A Yes sir.
Q Were you living with Hudson or with Hayden when the war commenced?
A I never lived with Hayden in my life, no sir not in my whole life
Q Did you ever work for him? A Not a day in my life.
Q Who were some of your neighbors at the time you lived with the Hudsons when the war commenced? A There was Jim Odrain lived within five miles of them.
Q Is that Scott Odrain's father? A I don't know Scott Odrain.
Q Anyone else live there? A Thomas Hudson.
Q Is he living? A They tell me he is not.
Q Anyone else outside of the Hudson family? A A White family lived there named Berry.
Q Any other Cherokee family? A No sir I don't know of any.
Q Where did you go when the war commenced? A To Kansas.

Q To what town? A Fort Smith.
Q Were you in the army? A No sir.
Q What did you do in Fort Smith? A Worked around at most any kind of common labor.
Q You just came back with your own family? A Yes sir my family and me came together.
Q You didn't have any witnesses in the Keen citizen court did you? A No sir, I made a mistake in that court, I was very deaf and cant hear and I didnt have any witnesses.
Q Where did you first come to after the war? A On Hudson creek.
Q Was that near the old place? A Yes sir.
Q Right at the old place? A Not right at it.
Q How far from the old place? A 8 or 10 miles on the prairie.
Q From the old place? A Yes sir.
Q Did you build a house there? A No sir, I lived in a tent.
Q No one living around you? A No sir.
Q How long did you stay there? A Cant tell you just how long.
Q Well about how long? A 8 or 9 months, maybe longer.
Q You came there at what time of the year?, A In the spring of the year.
Q Well was it March, April or May? A Some of those months, I don't know exactly.
Q And you staid there until after Christmas? A No sir.
Q About what time did you leave there then? A A good while, I dont know what I went away from that place for I didn't have nothing to stay about there days.
Q What were you doing there? A I was living up there.
Q Working any? A I didn't work there.
Q Do you mean to say that you went up there and just squatted down there and did nothing during those hard time? A Yes sir I just lived there, I didn't have any work to do around there.
Q What did you live on there? A Plenty to live on there, a man never needed to starve.
Q Well what did you live on there? A Dennis and Mathew Fields was in there then and come and staid there with me all that time.
Q Were they Cherokees? A Yes sir.
Q They are dead? A Yes sir, that is what you told me.
Q Did you all live in a house there on Hudson creek? A No sir, there was not a house to be seen around there.
Q How far from the Kansas line was that? A I don't know.
Q How far from the old Mose Fowler ferry? A It must have been 10 or 12 miles from where a ferry was, I dont know that ferry you speak of, I know where old Jack Rabbin had a ferry.
Q Near where the old military road crossed the river? A Yes sir.
Q Where did you go to from that place? A I went from there to what is called Hart Cabin.
Q When you were on Hudson creek, were you on the prairie? A I was on the creek - kind of a patch of timber and brush on the creek.
Q You came to Hart Cabin then — how far from Vinita?
A I don't know.
Q How long did you stay there? A Must have staid there three or four months.
Q Locate the place on Hart Cabin that you were, as near as you can?
A It has been so long I don't know how to give you the place we settled, there wasn't no one else around there.
Q No neighbors at all? A No sir.
Q Were there any Cherokees there? A No sir, only the two men that I spoke of that was with me.
Q Both two? A Dennis and Mathew Fields.
Q What did you do for a living there on Hart Cabin? A Lived on anything I could get to eat; Sometimes had some stuff and we lived on that and then what we could get around there.
Q You didn't have any cattle there? A No sir.
Q Who lives there now on Hart Cabin? A No sir, I

don't know who lives there now.
Q Don't know the town that is located near there now do you?
A Vinita I guess, I reckon it is, I don't know.
Q You don't know how far from where Vinita is now it was? A Nearly.
Q You don't know in what direction that place is from where Vinita is now? A No sir, north or northeast I guess.
Q You had no colored neighbors there either? A No sir.
Q Just in a tent or in a house? A In a tent.
Q And you didn't work there either? A No sir.
Q Where did you go from there? A West to Big Creek.
Q What time did you land at Big Creek? A I dont know, I went there in the fall or winter like, though.
Q What year? A I don't know what year; never knew anything about the years.
Q Never did pay think of the years then did you? A No sir, I thought that I was at home and there wasn't any need of studying about the years; never was educated about the time and the years and never paid no tention to it then; never had to study about it.
Q Did you ever go to Tahlequah to court and get your rights proved up? A Did oncod.
Q You were not put upon the roll were you? A You know if I am upon the roll or not.
Q Since you went up on Big Creek, have you lived there ever since?
A Yes sir, on Big Creek.
Q At the same place where you first stopped? A Two miles from there.
Q Was Jim Martin living there then? A I don't know where he was living.
Q Didn't you say before the Kern Clifton court that he was living there? A I said that I found him there.
Q What Cherokees did you see when you went there? A None.
Q What Delawares? A I saw some but I dont know their names.
Q You saw some though? A Yes sir.
Q You have lived close to Jim Martin ever since? A Yes sir.
Q Where did you see Anderson Lynch after the war for the first time? A They run in on to my camp in Cabin Creek after I had left Hudson Creek.
Q Who was with Anderson Lynch? A All and Grup was together.
Q Anyone else? A May have been someone else.
Q You didn't remember that five years ago did you? A I didn't need it.
Q You never said anything about it then did you? A You never asked me about it then.
Q Where were they going when they run across your camp? A I don't know, they never told me their business.
Q How long did they stay with you? A All night.
Q What time of the year was that? A In the fall of the year, winter sometime, I don't know which.
Q And you dont know what year it was either? A I dont know anything about it.
Q When did you see Sam Webber first? A I saw him on Big Creek.
Q The first time you went there? A Yes sir.

By the commissioner-

Q Do you know the reason your name is not on the 1880 roll?
A I don't know the reason, guess they would not put it on.

By Mr. Mallette:

Q The place that you came to in 1866, or after the war, was it the same place that you went from Tahlequah? A Ten miles about there.
Q Was it in the Cherokee Nation? A Yes sir.

ALLEN LYNCH, called and sworn by Commissioner T. B. Needles, testified as follows for the applicant-

(Examined by the commission)

Q What is your name? A Allen Lynch.
Q How old are you? A 62.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Freedman? A Yes, sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Do you know the applicant here, Peter Hudson? A Yes, sir.
Q How long have you known him? A Before the war.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A He belonged to old man Hudson on Verdigris river.
Q Was Hudson a Cherokee Indian? A I don't know.
Q Was that in the Cherokee Nation? A Yes sir.
Q He was held as a slave there in the Cherokee Nation? A Yes sir.
Q Do you know if Peter Hudson was taken out or if he went out of the Cherokee Nation during the war? A No sir I don't
Q When did you see him after the war? A On Cabin Creek.
Q In the Cherokee Nation? A Yes sir.
Q When was that? A In the winter of '66.
Q In the early part of the latter part of the winter? A In the fore part of the winter.
Q Where has he been living since? A I passed him house once since he lived there.
Q Did he have his family with him that first time you saw him?
A Yes sir.
Q Was he living in a house then? A Camped with his family.

By W. F. Hastings:

Q What place on Cabin Creek did you see him? A Just below the Saltchuker place.
Q How far below it? A I don't know exactly, we were hunting there and run on to him.
Q How far from your place? A 17 or 18 miles.
Q Was he just camped in a tent? A Yes sir, camped and had his wagon - I don't remember if he had a camp.
Q How long did you stay there? A Not over an hour.
Q Where were you going hunting? A The country was sparcely settled then and we hunted all over there.
Q As early as '66 were you not a good ways from home on a hunting trip? A No sir we lived at the mouth of Bull Creek then.
Q Couldn't you have hunted nearer home than that? A Yes sir we could have.
Q You didn't appear as a witness for Mr. Hudson five years ago did you? A No sir.
Q Didn't you remember this fact then? A Yes sir.
Q You remember that it was in the winter of '66? A Yes sir.
Q You never saw him for a number of years after that? A No sir.
Q And you were just up there hunting and happened to run on to him?
A Yes sir.
Q Did uncle Peter give you anything for testifying for him? A No sir not a cent.
Q Didn't you tell him about having seen him up there? A No sir he asked me if I was not one of the fellows that had been up there hunting that time and come across his camp.
Q Who else was with you that time? A Crump, and Art Williams, Bob Downing and Alex Hunt.
Q Was this last one a colored man or a Cherokee? A Cherokee.
Q Anyone else along? A Yes, Rhoe Whitmire.

ANDREW LYNCH, called and sworn as a witness testified as follows for the applicant:

(Examined by Com'r Needles)

Q What is your name? A Andrew Lynch.
Q How old are you? A 64.
Q What is your postoffice address? A Vinita.

Q Are you a recognized freedman of the Cherokee Nation? A Yes sir.
Q Are you on the roll of 1880? A Yes sir.
Q Do you know the applicant, Peter Hudson? A Yes sir.
Q How long have you known him? A Since before the war.
Q Was he between the North and South? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A To the Hudsons.
Q Were they Cherokee citizens? A Yes sir.
Q Was it in the Cherokee Nation that you knew him? A Yes sir.
Q Do you know if he went out of the Cherokee Nation during the war?
A He must have went out, when I saw him next it was in Kansas.
Q During the war? A Yes sir.
Q What point in Kansas? A Fort Scott, there we all broke up at.
Q Do you know when he returned to the Cherokee Nation? A No sir I dont.
Q When did you first see him after the war? A I saw him on Little Cabin.
Q Is that in the Cherokee Nation? A Yes sir.
Q What year was that? A That was long in the winter of '66.
Q Was part or latter part of the winter? A In the fore part.
Q Where did you see him? A The other side of Vinita on Cabin.
Q Did he have his family with him? A Yes sir, there were several in a wagon, I never noticed them much.
Q Were they in a house? A No sir, not in a house.
Q Do you know if he has lived in the Cherokee Nation ever since that time continuously? A Yes sir I have heard of him up on Big Creek.
Q Have you ever seen him since? A Yes sir at Coons Knob.
By W. W. Hastings: Where did you see Peter Hudson before the war? A At Fort Scott.
Q Was that the first time that you ever saw him? A No sir on Hudson creek.
Q You never saw him up to the time the war came up did you?
A No sir.
Q Then your testimony as to his ownership before the war was simply what you knew about it some years before the war? A Yes sir.
Q You didn't know him just at the time the war came up? A I didn't see him then, I knew him though.
Q But you had not seen him for several years before the ne time the war came up had you? A No sir until I saw him at Fort Scott.
Q What direction was it from Vinita that you saw him that time y ou were hunting? A East of Vinita, below John Landrum's place.
Q How many miles from Vinita? A Two miles.
Q Did John Landrum have a house up there? A There was a house owned by the Landrums, there was a Cherokee fellow with us and he said that it was the John Landrum place.
Q Two miles from Vinita? A Yes sir where Battles is living.
Q You saw a house there? A Yes sir, a log house.
Q How long did you stay there? A Not over two hours.
Q Have you a positive recollection as to the year it was?
A Yes sir, in '66 in the winter.
Q Do you remember all of the people that you saw in '66?
A Yes sir I remember a good many.
Q Are you willing to swear that this man was there two miles east of Vinita on Cabin Creek in the winter of '66? A Yes sir.
Q What were you doing up there? A Hunting.
Q Who was with you? A Bob Manning, a Cherokee fellow we called Josiah Smallwood, Al, and Art Williams.
Q Was that all? A That is all that I can remember.
Q Did you come on hunting this way? A Yes sir we came on this way.
Q In the same country he was in? A Yes sir.
Q How far was that from your home? A 4 or 5 miles, I reckon.
Q From your home? A Yes sir.

Q Did he have any farm there? A No sir.
Q You don't know how long he had been there? A No sir.
Q You don't know what he had been doing? A Must have been traveling.
Q How much has he given you for testifying in his case? A Nothing as I know of.
Q You would know if if he had wouldn't you? A Yes sir.
Q Did he promise to pay you anything? A No sir, he will payome enough to pay my board with anyway I guess.
Q Have you got a contract with him for pay? A No sir.
By the Commission-
Q Where was no town of Vinita was there when you saw this man?
A No sir, no town or railroad.

SAM WEBBER, called and sworn testified as follows on the part of the applicant:
(Examined by the Commission)
Q What is your name? A Sam Webber.
Q What is your postoffice? A Bowata.
Q What is your age? A 51 I reckon.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know the applicant Peter Hudson? A Yes sir.
Q How long have you known him? A I got partly acquainted with him before the war and better after the war.
Q Was he a slave? A He told me he was.
Q You dont know of your own knowledge to what he belonged? A No sir
Q Did he go out of the Cherokee Nation during the war? A Yes sir to Fort Scott.
Q When did you see him after the war and where? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q About when was it? A As near as I can remember it was in the fall or the long in May time, when we was putting up hay.
Q Where at? A Big Creek, Cherokee Nation.
Q Was he living there then? A No sir just come and looked after a location to make him a whole home.
Q That was the first time you saw him after the war? A Yes sir.
Q Do you know when he first came back? A No sir.
Q That was in the fall of '67 that you saw him? A Yes sir, that was when he come up there where we was.
Q He came there you were? A Yes sir.
Q Who was with him when you saw him? A I,don't remember, several of us were living there.
Q He came to where you were living did he? A Yes sir.
Q That was on Big Creek? A Yes sir.

APPRIGAFT re-called and examined by W. W. Hastings:
Q I want to know as near as possible how far from the old Hudson place you returned to in the spring of '66 - as near as you can give it? A Them things is pretty hard for me to get at, old man as I is, traveling around and with no education. Seems to me creek runs round to the southeast —
Q I mean there you first stepped from the old home place? A Must have been a little southwest of the old place.
Q About how many miles? A Must have been 8 or 10 miles or 12.
Q Did you go to the old home place? A I did once to the old home place after I came down to Cabin.
Q Didn't you go there where the old place was when you were living there those eight months? A No sir.
Q Did you see Jim Obrain there? A No sir.
Q Dont you know if your old master was there then or not?

...so are they worth't.

By com'r Needham. Peter Rogers applies for himself; he is not identified on the enumerated roll of 1880 or the census roll of 1896; he is duly identified on the Kern Clifton and Wallace rolls; he swears that he was a slave of a Cherokee citizen named Reuben and that he returned to the Cherokee Nation in 1866; said Peter Rogers will be listed for enrollment as a Cherokee freedman on a card roll card awaiting the further consideration of the commission, and when the final decision is arrived at he will be notified of the same by mail.

Chas. von Weise, being sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 19th of June, 1901, at Muskogee, I.T.

Signed, T. B. Needles,
Commissioner.

. . . . . .

Brice G. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he copied the foregoing and the same is a true and correct copy from the original.

Brice G. Jones

Sworn to and subscribed before me this the 16th of August, 1901.

Notary Public.

NFD 616

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of SEP 18 1901, 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of .....

.....

Subscribed and sworn to before me this ..... day of ..... A. D. 1901.

.....
Notary Public.

COMMISSION, GRANTED BY THE NATION,
TO THE [illegible] AUTHORIZED TRIBE

FILED
SEP 20 1901

ACTING CHAIR

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as a Cherokee citizen:

Case No. D [illegible]

To [illegible] .

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on Oct. 5th [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1[illegible] 190[illegible]

[illegible]

W. W. Hastings

Attorneys for the Cherokee Nation.

File with Cherokee Freedmen 3-616, Sam Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellett & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

G. W. KINGSBURY, being duly sworn by Commissioner Kendrick, testified as follows:

Mr. Hastings: What is your name? A G. W. Kingsbury.
Q What is your age, Mr. Kingsbury? A I am 67 years this fall.
Q What is your postoffice address? A Mound City, Lynn County, Kansas.
Q How long have you lived in and about Mound City? A Ever since the 15th day of August, 1861.
Q Were you living there in 1868; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since. Made that my home.
Q What was your father's name? A My grandfather's name was Durbin.
Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.
Q Did you know any of his children? A Yes, sir.
Q Were some of them? A There was Abraham, Berry, Mark, Minor, Squire, Eliza, Dan, Dave, Clint, George; that is all I can remember of them.
Q When did you first become acquainted with this family of Wards? A In the fall of '65.
Q Where were they then? A They lived on a place west of ours.
Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.
Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.
Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.
Q Who was his name? A Jesse Durbin.
Q That was in the spring of '66? A In the spring of '66 they moved onto our place.
Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.
Q How long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he rented the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent it anybody, and Peter Ward said all right.
Q They gave up the last year? A Yes, sir, they gave up the last year.
Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.
Q Was there a house built on the Durbin farm in the meantime? A There was a stone house built there in '69.

Q How do you know it was built there in '88; have you anything else besides your own memory? A Yes, sir, the house mechanic, As do Mahney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mallette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat and in the fall of '89 he left some wheat in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Burbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mallette: I didn't get your name? A C. W. Tingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '88? A In '88 I was 18 years old, I was born in '84.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell .im how you got at this date, go on and tell him.

Mr. Mallette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '89 until 1901.

Q How long is that? A From '89 would be 12 years, if I am not mistaken.

Q Do you remember back that 12 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Linn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '81.

Q What impresses the fact on your mind as to when them people lived on that land? A As I said, Mr. Ward was living on a farm that

[illegible] to Certain and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 52 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 52 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered as legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '65 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 52 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

QQ You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '81.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '65 they are mistaken, are they? A I don't know what they testified to.

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '85.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8; just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved

on the place and when he moved away? A Brown lived there just a short time and by permission of Kingsbury Park.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A It is the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1878? A There was no one in '78, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '68? A Yes, sir, since '68? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q How was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '68? A No, it wasn't '68, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '69? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '68? A Yes, sir, spring of '68.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living. He is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Weddle, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lyan County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Marvin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Marvin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes sir.

Q Give me the names of some of them? A I know of Abe and I know Berry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them. I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of thirty, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q That place? A They were living on Mr. Burbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 48 years old.

Q You did? How were you when the war closed? A Well I guess I was about 13 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the an events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I guess can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know what he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Burbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q Now did they have fighting up there in Kansas? A Along about, I think the last fight [illegible] was when Price went through, I think the latter part of '64 or '65, along there.

Q Well, was it? A I do not.

Q You say they had a fight up there the latter part of '64, that Price went through there? A No, I didn't say '64.

Q The latter part of '64? A The latter part of '64 or '5.

Q The latter part of '64 or '5, you say that? A I saw either the latter part of '64 or '65, something along in there that Price went through there.

Q Do you know that Price made his raid through there in '64?

A No, I don't hardly believe he did.

Q Well, you think that [illegible] was mistaken or General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely

till about '65.

Q Can you say Price made his raid through there in '64 or '65?
A I meant '64 or '5.
Q What made you change? A Well, I just made a mistake.
Q Who talked to you after you came? A Nobody.
Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.
Q Was Mr. Kingsbury present? A Yes, sir.
Q Who else was present? A There was lots of men around there.
Q All you witnesses who came down in that case were present and talked so together? A Well they asked me some questions.
Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.
Q But then if you think that Price made his raid through there in '64 or '65 you may be mistaken when the war closed? A I meant '64 or '65.
Q Do you say that Price did make his raid through there in '64 or '65? A I wouldn't say positive.
Q You wouldn't say positively about that? A No, it seems to me he was in that time.
Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.
Q I consulted you with a number of other witnesses down there?
A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.
Q Who served the subpoena on you? A Mr. Campbell left it at my home.
Q Who is Mr. Campbell? A His name is Dave Campbell.
Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.
Q What is your age, Mr. Ward? A 68.
Q What is your postoffice? A Russellville, Arkansas.
Q You live in the Cherokee Nation there? A Yes, sir.
Q You are a Cherokee by blood? A Yes, sir.
Q Mr. Ward, what was your father's name? A James Ward.
Q Did your father have a brother by the name of Peter Ward?
A Yes, sir.
Q Peter Ward? A Yes, sir.
Q Before the war? A Yes, sir. He married a negro woman my mother owned.
Q He had children? A Yes, sir.
Q The youngest boy of Uncle Peter's? A Yes, sir.
Q Well, give us some of them? A Joseph was the oldest, Berry, [illegible] Sam, Jim and Frank; it all they had when they left there, I don't remember.
Q Did they leave when the war came up? A Yes, sir, in '63 as well as I can remember.
Q Did you ever see any of them? A Yes, sir.
Q Where did you last see them? A In Mound City, Kansas.
Q How are they? A [illegible]
Q Are they [illegible] Cherokee Nation? A The most of them are here [illegible] Cherokee Nation, the largest portion of the [illegible] the Cherokee Nation.

Q You don't remember the exact date? A No, sir.
Q It wasn't the last collard payment? A No, it was the first payment that was had after the war.
Q You don't remember the date of that payment? A No, I don't remember the date.
Q Was this railroad through here at that time? A I think so.
Q Well, which one of them did you see at that time? A Abrahms.
Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
Q He say where he was living at that time? A Living out here on Big Creek, up here in Coosecoosee.
Q You remember what he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
Q Did you see any other members of the family at the time? A No, sir, not that I remember.
Q Have you talked with any of them since that about it? A No, sir.
Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.

Mr. Meligette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
Q Well, that has been a long time ago, hasn't it? A Yes, sir.
Q You ever been arrested? A I don't know that that cuts any figure in the case.
Commissioner: Please answer the question.
A Why yes.
Mr. Meligette: What were you charged with? A I was charged with obtaining by false pretense in a pension case.
Q That all? A And obtaining pension money.
Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Meadlee, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.
Q How old are you, Mr. Ward? A Age is so.
Q What is your occupation? A Maryville, Arkansas.
Q You are a [illegible] by trade? A Yes, sir.
Q You live on the Cherokee side of the line? A Yes, sir.
Q That was your brother's name? A His name was James Ward.
Q Did you know [illegible] the name of Peter Ward? A I did
Q And he had come here? A Yes, sir.
Q You remember any of [illegible] A Yes, I recollect most of them, Thomas [illegible] Louisa was the old lady's name.
Q We want to identify the family, how many of them? A Margaret and Louisa and Mary and Peter and Ben I think and Dave and Mike and Clint.
Q Did you ever see any of them after the war? A I never saw but one of them, Pete I have seen them too, I seen Squire here the last time.
Q Well, which one did you see first after the war? A That was Peter.
Q What was his name again? A Pete, I think she called her name.
Q Where did you see him? A Up here between here and Chetopa, Old Creek I think it was.

Q Between here and Chelsea? A Yes, sir.
Q In what district? A In Cocke-Sevier I guess.
Q Did you have any talk with her? A Yes, sir.
Q About what was that talk? A Sometime in the sixties, '65 or '66 or '67, somewhere along there, I don't recall at just the year.
Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
Q You say it was sometime in '70? A Yes, sir.
Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
Q This M.K.& T.? A Yes, sir.
Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told be their names, she called one of them Grant and the other one Sherman, and inquired then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family where they lived, they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one never come back.
Q Who was with you at the time? A Will, my brother, we had been up to Jeffersville with some apples and came back by there and stopped.
Mr. Kellett: You say you asked them about the family? A Yes, sir.
Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
Q Where did she say her father was? A He lived there somewhere.
Q There? A Q. Here about Big Creek.
Q Where did she say Abraham was? A He was there.
Q Where? A Up in there, right close there, I was asking how they all were getting along.
Q How many years ago was that been? A Along in '70 sometime.
Q '70 when? A Between '68 and '70.
Q What made you say it was in '60 first? A I just miscalled it.
Q Wasn't it in the sixties? A No, sir.
Q Don't you know it was in '68? A No, sir.
Q Between '68 and '7 and '8? A It wasn't in '68.
Q Why wasn't it? A Because this railroad was built through here.
Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
Q How long ago? A I don't remember.
Q When Mr. Wallace made this roll? A No, sir.
Q When Mr. Lamb and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
Q How long ago? A I don't remember just now.
Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
Q About how long ago, I want to find out when it was? A The reason I think it was about then, because I was married in '70 and it was before I was married.
Q How many people before you were married? A Two or three.
Q Two or three? A I don't remember just exactly, it was so long ago you can't remember, I don't recollect the exact dates.
Q That is what I am driving at, unless I have something to improve it as positive memory called on you to remember what they said for months or years afterwards? A No, I wasn't called on until I was summoned here before this Court.
Q This time? A No, that other time.
Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
Q You can't give any idea when that date was can you? Why can't you remember the date you were first called on to testify to this fact

So well as you can remember when she told you she came here too late?
A I never paid much attention to it.
Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.
Q After thirty years you got to counting it up, did you? A It wasn't thirty years.
Q Well, twenty? A Let's see, it was over thirty years I guess.
Q It was over? A It was in seventy something.
Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.
Q Why I am not going to do it. I asked you how many years it was?
A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I can't remember just exactly the year, I don't propose to swear something I don't know.
Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.
Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? ANo, I don't recollect the exact year.
Q Was it 1895? A I don't remember.
Q 1890? A (No response.)
Q Was it 1890? A No, sir, it wasn't then.
Q When was it? A I don't know just when, I don't recollect the year.
Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was there when I was up here last Court.
Q Are you summoned here as a witness this time? A Yes, sir.
Q Were you summoned when you testified before when I represented the Nation in part? A Yes, Mr.
Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.
Q You remember the other two members of that Court? A I don't recollect them.

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Taking of testimony continued by stenographer J. O. Bosson.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

FILED
OCT 1901

Continuation of taking of testimony in case of ABRAHAM WARD, C.R. [illegible].

Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. McIlette, of Counsel for applicant;
Mr. F. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.
Q Age? A 62; Vinita.
Q Mr. Bell, when was this M K & T. railroad, M K & T. railroad, built through this country? A '71.
Q When was that first Cherokee payment made after the war? A '72.
Q Do you know whether colored people and all participated in that payment or not? A Yes, every Cherokee citizen and whole lot that wasn't.
Q That was a general payment? A Yes. What was general payment intended for relief fund for all people living in the Cherokee Nation
MR. MCILLETTE: Did any colored peopled get pay at that time?
A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows in his own behalf:

MR. MCILLETTE: What is your name? A Abraham Ward is my name.
Q Are you the Abraham Ward who is an applicant for enrollment as a Cherokee Freedman? A Yes, sir.
Q Did you know J. L. Ward who has just testified in this case?
A Yes, sir, I know him.
Q Did you ever make a statement as testified to by him that you came here too late to become a citizen? A No, sir, I did not.
Q Did you make statement, as testified to by him, that you came back in '69? A No, sir.
Q Did you hear the testimony of John Ward, the last witness?
A No, sir.
Q Did you hear h is testimony? A I heard it yes, sir.
Q Did you hear a statement being said of yourself, mother sx or sister to him? A Yes, sir.
Q Where is that sister? A She is dead.
Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward after the war? A I saw him when the Cherokees drawed that general payment, what called brat money.
Q What year was that? A I don't remember just what year it was.
Q Well, that is strange? A It was in '70 though I think.
Q Where did you see him? A '70 or '71; saw him right here at Vinita
Q '70 or '72? A Yes, sir.
Q Along there; saw Him here at Vinita? A Yes, sir.
Q You didn't talk with Him? A Yes, we was talking about our boyhood times.
Q Talked to him where you had been? A No, sir, He knew where I had been.
Q He was your young master? A Yes, sir. He and him was about my age.

This Testimony will be made part of the record in cases D.#606 hereto D.#611, D.#611, D.#612, D.#613, D.#614, D.#615, D.#616, D.#617, D.#618, D.#619, D.#621, D.#622, D.#623, D.#624, D.#625, D.#626, D.#627, D.#628

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J. G. Ronson, being first duly sworn, states that he stenographer to the Commission to the five Civilized Tribes by correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible], 1911.

Commissioner.

3916

FILED
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ACTING CHAIRMAN

File with Cherokee Freedmen, D-216, Ben Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:
Ballette & Smith, attorneys for applicants;
W. T. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Bayliss, testified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We lived down there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward and Abraham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to get his money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.

Q Who did you go with? A Jesse Brown and Jess Duncum, and there I saw old Uncle Peter Ward and Abe and Terry, there was younger ones but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were living there.

Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City; Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when he first went there, we had to wait on account of some papers wasn't fixed up right, and we had to stay there, I would not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you see there was a whole bunch of them lived around there, and I went to several of the houses around there and when they had preaching there while I was there and I went to church and seen them; they all found that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, the colored men? A Yes, sir, I

with Jess, his mother was living there and his brother was there.
Q His brother and brother? A Yes, sir, mother and brother.
Q Did you see Abraham Ward? A Yes, sir, yes, sir.
Q You remember distinctly seeing him? A Yes, I remember him very well.
Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean, when I came back who did I meet?
Q Yes, if anyone? A No, I left them over there, they never came back.
Q Did you meet any of the members? A Yes, sir, Sam Couch and Pete Watson had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from that trip and met them on Pryor Creek.
Q How how many words had you been up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, those three I remember.
Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do those other men, I knew them after I met them after they came back I knew who they were.
Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me where they were coming back just as quick as they could come, everyone I seen was talking about coming back.
Q Where did you live in '67? A We were down on the Adair place, place called the Adair place and used to be known as the Alex McDaniel place.
Q Where were you in '67? A We were there in '67.
Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.
Q And that was in '68 you went up there? A Yes, in '69 I went to Kansas.
Mr. Kellette: You say you saw them Wards up there in Kansas at that? A Yes, sir.
Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.
Q You didn't lose your citizenship by going up there to Kansas? A Didn't lose my citizenship, no, sir.
Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.
Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.
Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been hunting them one day and another while I stayed there.
Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.
Q Where did you have to go to get his money? A Went to Ottawa, Kansas.
Q How far is that from here? A I don't remember how far it is.
Q About how far? A Oh, it is a long ways.
Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Round City to the best of my recollection.
Q What were you doing at Round City? A There is where Jess's brother and mother lived, we landed there first.
Q What did you stay there for? A He wanted to see his mother, I stayed with him.
Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa

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He went on.

Q You saw three women up there? A Yes, sir, I remember the three.
Q You don't know how long they had been there? A No, sir.
Mr. Hastings: You helped load brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freeman cases D-606, D-610, D-611, D-613, D-[illegible], D-615, D-616, D-618, D-619, D-621, D-[illegible], D-[illegible], D-[illegible], D-[illegible], D-608.

Stenographer.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C Jones

Sworn to and subscribed before me this the 21st of October, 1921.

C Montgomery

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., December 15, 1900.

Proceedings had this day in the matter of the application of Daniel Thompson et al, for [illegible].

Appearances:
Green E. Davenport for the Cherokee Nation.
Wallace & Smith for the above applicant.

T. F. Thompson, being first duly sworn by Capt'n T. H. Hawkins, identified as follows on the part of the Cherokee Nation:

By Davenport:
Q What is your name? A T. F. Thompson.
Q Where do you live? A 3 miles north of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Chickasaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '65 in October.
Q Did this applicant go with your family? A He never was with us during the war.
Q When your family returned to the Cherokee Nation where did they locate? A On Grand River, 12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita. I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q About what year was it? A As well as I remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
Q Where was he living at last time? A On Big Creek, he told me.
Q Did he say then that he had been living on Grand River at the old place? A No sir.
Q You had always lived on the same place since your return? A Yes sir.
Q Same place you lived on prior to the breaking out of the war? A Yes sir.
Q Had the applicant been there after the war -- to your house? A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes sir.
Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.

By the Smith:
Q What was your father's name? A Johnson Thompson.
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Did he own Daniel Thompson before the war? A Yes sir.
Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
Q What time did you get back here after the war? A October, '65.
Q You came to what place? A Our old place.
Q How far from where Vinita is now? A 12 or 15 miles.
Q How old were you then? A 13 years old.

Q Just a moment, sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there--I went to school one or two sessions at Fox Ridge, Arkansas.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71? A Yes sir.
Q You don't know how long he had been in the Cherokee Nation? A No sir.
Q You don't know where he was during the war? A No sir.
(By Davenport)
Q When were you at school? A In '67, in the fall.
Q You was at home then from '66 to the fall of '67? A Yes sir.
Q You never saw the applicant there then? A No sir.
Q Never heard of him being there did you?
BY MR. SMITH: I object to him stating what he might have heard.
(By Smith of witness)
Q All you know is that you never saw this applicant until in '71 or '2? A Yes sir.
Q Before that time you don't know where he was? A No sir.

DAVID STINNETT, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A David Stinnett.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 25 years.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Since '72.
Q Where did you first see him? A I saw him in the territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes sir.
Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas and thought he would come back because he was owned here--thought he would come back home as he called it.
Q Did he have a family with him then? A Yes sir.
Q What year was that? A I think in '72.
Q What improvements had he made then? A Nothing, he was just in a wagon there.
Q Did he say when he had gone to Kansas? A No, I dont know anything about that.
Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him? A Yes sir.
Q Did he afterwards make a place there? A Yes sir.
Q Where has he been living since? A Right there all the time.
Q What year was this you say he came there? A '72.
(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
Q How long had you been there in '72? A I came there in '71.
Q Where from? A Peoria, Illinois.
Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I dont know that.
Q You dont know where he was in '69? A No sir.
Q Or in '68? A No sir.
Q Or in '67? A No sir.
Q Or in '66? A No sir.
Q Or in '65? A No sir.
Q You dont know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.
Q You dont know when he first came here after the war? A No sir, only that time.
Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you'd come there in '71? A No sir.
Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Gen'l T. M. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.
Q Where do you live? A On Big creek. , Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Good many years, I can't say exactly how long. I think he moved in there on Big creek right close to me. I think he came from Kansas there in the fall of '72, and he has lived there ever since.
Q Did he settle a place there when he came down? A Yes sir.
Q How far from you? A Two and a half miles.
Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.
Q Did he have his family with him? A Yes sir.
Q Children? A Wife and three children.
Q Did you have any conversation with him ? A Yes sir, he told me he just moved in from Kansas.
Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.
Q Were you in the army? A Yes sir.
Q When were you discharged from the army? A I was discharged, I think it was in '62.
Q In what? A '62.
Q Were you discharged before the war closed? A No sir.
Q But you think it was in '62 that you were discharged? A I believe it was.
Q In '61 maybe? A Somewhere along there.
Q Somewhere in '61 or '2? A Yes sir.
Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.
Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.
Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '63.
Q I am not asking you when you were discharged, I am asking you what you said then ? A I don't think I did.
Q When did the war close, what year? A I think it was in '61, wasn't it?
Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.
Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time whenwar was over.
Q What did they discharge you for the first time? A Three years service.
Q Then you went back the second time? A Yes sir.
Q How long did you stay then? A Two years .
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of '66.
Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
Q And you are certain you were discharged from the army after the was was over? A Yes sir.
Q And you got here in '66? A Yes sir.
Q Now, how did you do that? I went from Louisville,Kentucky where I was discharged,to Iowa, and from Iowa to Kansas and from Kansas here.
Q You don't really know anything about this applicant do you? A Only from my papers,it shows that I had some trading with him in '73.
Q You dont know how long he had been here before that? A No sir.
Q You dont know when he came here? A No sir, except when he came to Big Creek.
(By Davenport)
Q You dont know when the war began? A No sir.
Q Nor when it closed? A No sir.
Q Had Dave Stinger come to your place before Daniel Thompson came on Big Creek? A Yes sir.
(By Smith)
Q Where did you go after you were discharged? A Iowa.
Q Where did you go then? A Kansas.
Q Where did you stop in Kansas? A Neosho ~~Falls~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
Q Did you have any trouble up at Chetopa? A No sir.
Q Were you never arrested in Kansas? A No sir.
Q Do you remember a man named Gage in Chetopa? I dont remember,I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No sir.
Q Didn't he have you arrested? A I dont think so.
Q Don't you know? A I know I wasn't arrested there.
Q Have you ever been arrested at all? A Yes sir.
Q Where? A In the Cherokee Nation.
Q What for ? A Cattle stealing.
(By Davenport)
Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.
(By Smith)
Q Are you a citizen of the Cherokee Nation? A Yes sir.

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This testimony will be filed with the original application of Daniel Thurman, Cherokee Freedman, D-606, and also in D. F. D. cases D-605 and D-608 and their subsidiaries.

Chas. von Weise, being duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th day of October, 1901.

Commissioner.

File with case of Ben Ward, et al., C.P.-D.#616.

Dept. of the Interior.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of applicants:

APPEARANCES:
Mellette & Mellette, Attorneys for Applicants.
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.
Q How old are you? A I am 80 years old.
Q Are you a colored man? A Colored man?
Q Yes? A Yes, sir.
Q Where do you live? A I live in Mound City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '64.
Q In what time in '64, what season? A Well, I got up there September 12th.
Q To what place now do you refer? A Mound City.
Q What is your business, what do you do? A Well, I have done a good many things for a living, but I was employed by the Second Baptist Church there; that is in '65 in the month of May I took charge of the Second Baptist Church there.
Q In what year? A In '65 in May.
Q Well, in what way did you take charge of it? What did you do?
A I preached the best I knew how.
Q You are a preacher are you? A Yes, sir.
Q Well, did you know a Peter Ward there? A Yes, sir, I know him.
Q When did you first get acquainted with Peter Ward? A I was slightly acquainted with him down in Arkansas.
Q When did you first get acquainted with Peter Ward? A We was slightly acquainted as I stated down in Arkansas; no, I will take that back if you will please, I got little kinda off, I can't keep memory like I used to.
Q Just tell us when you got acquainted with him? A We was slightly acquainted in the old Territory, wasn't that right; wasit.
Q Just stop now and tell us when you first knew Peter Ward?
A Well, I was correct after all.
Q Ever know Peter Ward in Kansas? A Yes, sir.
Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there; that was in '64.
Q About how long did you know him there in Kansas? A Oh, I knew Him all the while; while he was there until he come away.
Q Well, about how long was that? A Oh, I guess not over a year & after I got up there; that is as long as we lived together. Well, if you will let me state it.
Q Go ahead now? A Well, the way this come up; how I got so well acquainted with him was there as I told you, the church got me, employed me for a preacher and he was then a member of that organization and was a deacon in that church and you recollect we had out monthly meetings to transact our business there once a month and of course we had a great deal of business together; that is the way I became so well acquainted with him. We was both members of the same church.

Q Do you know that the last business was that Peter Ward transacted there in that church, of them it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.
Q The last time he transacted business with you in the church?
A Yes, sir.
Q What did you do then? A We elected another deacon in his place.
Q What business was it you transacted on the 17th day of June, '66?
A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.
Q Have you any book of church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.
Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had our church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined.
Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.
Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Now is this you are talking about? A Peter Ward.
Q What Peter Ward? A Why Peter Ward that's dead, I know.
Q Just Peter Ward? A Yes, sir.
Q Did you ever see more than one Peter Ward in your life?
A No, sir.
Q You saw one in Arkansas? A That is the same one.
Q How many children did Peter Ward have? A Oh, I don't know.
Q Did all his children go away when he did or not?
A I don't know whether they all went away at the same time or not; I know they all left.
Q All left eventually? A I would not swear that.
Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.
Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; whi ch one?
A I am asking you if you know? A Oh, no, I don't know.
Q What boys do you know? A I knew some of the older ones.
Q What is one of the older one's name? A There was Merry and Abraham and Squire, I knew them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.
Q That is the last time you saw Peter in the church? A Yes, sir.
Q You have been custodian of the church books ever since that time?
A No, no, we had Clerks.
Q Have you been Pastor in charge of that church ever since 1866?
A No, sir.
Q Have you lived in Mound City all the time since that time?
A Yes, sir
Q How do you know up there? A I knew quite a number of folks.

Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. P. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know J. B. Osborn? A Buy Osborn, I know him. He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then t hey elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or someplace.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that gave me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church metting after that, and I have always believed he come right straight to the Territory because I never saw him any more after he had been up there in the neighborhood he would have been in the church mettings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we ddidn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you here took such stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Town-Sites Roll? A No, sir, I didn't know when was the proper time, I came too late.

COM'R MEMLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he came to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he came, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my money and get my name on the Wallace roll after he came.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while go when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A Yes, sir.

COM'R MEMLES: This testimony will be made part of the record in the case (Exhibit and part of the record in D)606, D610, D-611, D-613, D-625, D-615, D-616, D-619, D-621, D-623, D-624, D-626, D-627, D-628.

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I, O. Rennen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

O. Rennen

Subscribed and sworn to before me this November 9th, 1901.

Commissioner.

[illegible] Thursday, October 3-1901, Ben Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3d, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony in behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
W. T. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. R. Wayne.
Q What is your postoffice? A Mound City, Lynn County, Kansas.
Q What is your age? A I am 56 years old.
Q Were you in Lynn County, Kansas, during the years immediately after the war? A Yes, sir.
Q I will ask you if you knew a colored man by the name of Peter Ward? A Yes, sir.
Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.
Q When? A In 1866.
Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.
Q Do you know where he moved, if at all, in '68? A He moved to the farm of Amos Durben, and some call it the C. W. Kingsbury place now.
Q Is Kingsbury his grandson? A Of Durben's, yes sir.
Q How long did he continue to live on the Durben farm? A 3 years.
Q How by what do you fix that? A The first time that I saw him I know where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bar was the best thing I could put on it, and by me breaking prairie I know it was in '66, I know where I was living at that time.
Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby me I paid him $2.50.
Q Peter Ward? A Yes, sir, the second day of March.
Q Of what year? A 1869.
Q Where was he living at that time? A He was living on the farm of Amos Durben.
Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton but we all called him Clint, and George: I believe that is all that I can bring to mine now at the present time.
Q Have one by the name of Berry? A Yes, sir, I think Berry was the second boy.
Q Was there one named Squire Ward? A Yes, sir, I think there was.
Q You recollect it now? A Yes, sir, Squire Ward.
Q Where were these children living between the years of '66, when you first knew the father, and '69? A They were living with their father; the boys of course would work around first one place and another wherever they could find work, but there is where they ade their home, with their father.
Q Have you seen them since that time, '69? A No, sir, I haven't.
Q Do you know whether you would know them or not now? A No, sir, I wouldn't not them so much as them what I gave in this other case.

Q Do you know that one over there (indicating Gordon Ward)?
A Yes, sir, I have seen that gentleman over there, but I don't
will you hi- name; I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '69? A No, sir,
Q How far did you live from them out in '66, from the Durham farm?
A About a mile and three quarters.
Q Well now did you live that far from '66 to '69 to them? A No, sir, in '66 I was living further off.
Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.
Q Well, were you as near in '67 as you were in '69? A Same place.
Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.
Q And you remained on the same place from '66 up to '69? A Yes, sir.
Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.
Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.
Q Did you see them in the country any place? A Oh yes, I have seen them around.
Q You mean by that, that that is the only time you ever had any personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.
Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.
Q You have been there in that country ever since '69? A I had been there ever since '65.
Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55; and it was '66 when I first recollect getting acquainted with them to know them.
Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had struck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.
Q Well, did your foot get well? A Well it isn't off, I suppose it did.
Q Well that has been how long ago? A Well '66; that has been 35 years ago.
Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?
Q Yes? A Well it was in March, '69, that I had the transaction with him.
Q That had nothing to do, however, with the time you first met him?
A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.
Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.
Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.
Q Well then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just not told the occasion, about

blowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date upon you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I knew the date by that transaction of breaking article, knew where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date or the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, there is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) that second commenced there, January 4, 1866, it goes on over to there, (indicating on book) is Peter Ward, $2.50; it goes on down to here, to May, '66, $102.64; I spent during that time $102.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1866, along in the winter of '66.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that fore part there is some few pages that was in '66, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 9, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Kremen, a colored man, 25¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

W & W

position will they not day from there, they are about the same.
Q Now then you see there is a part of the Peter that you can read better than the other part? A Well the P there appears to be a little bit plainer.
Q Can you see any P in that Peter? A Yes, sir.
Q Where is it? A Right after the t.
Q If you didn't know that it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.
Q Now why, Mr. Wayne, is that word Peter very blurred, as it appears upon the record? A I can't tell you any more than here: not a bit.
Q You don't know? A No, sir.
Q Did you make the word Peter on the second page? A Yes, sir.
Q Did you make that P? A Yes, sir.
Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain; but I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.
Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?
A Yes, sir.
Q Now that P in potatoes is made that way, isn't it?
A No, I don't make a P but very seldom, sometimes I make a P by running down and then back; and sometimes then I make a P by making a straight mark and going around that way (indicating) I make Ps two or three different ways.
Q Now Mr. Wayne, the word Peter there in this book is blurred?
A Yes, sir.
Q It is indistinct? A No, sir, not to my mind it is not.
Q Not so clear as the entries below it? A It is about the same thing here except that P in Hope, that I see, appears to be a little plainer than that e-t-e-r.
Q Well, do you state that that is as clear as the entries bel ow?
A No, sir, I see it is not, it is the same as some that would be over here or some other place.
Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orcard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.
Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.
Q Do you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.
Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.
Q Is the record is wrong you are wrong? A Yes, sir.
Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the Court please, I would like to offer the book.

Mr. Hastings: We can't take the book away from the man.
Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.
Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards? A I have no objection, but there is a little paper in there I would like to get out afterwards.
Q When was this entry made: was it made at the time the papers purport to have been made? A Yes, sir, I tried to put them down the night in which they were made.
Q Now, look the page before, or the second page before this page of Peter Ward, I notice this date: (reading) January 2, 1904; is that correct? A Yes, sir.

[redacted] and only the earth and [redacted] Yes, sir, everything [redacted] opposite page.

[redacted] Yes, sir, to where [redacted]

[redacted] and my three pages [redacted] that page of "Oz". I [redacted]

[redacted] of this record was kept with pencil,

[redacted] other than by myself. I [redacted] boy might have got hold [redacted]

[redacted] name of Peter Ezra or anyone [redacted] occasion to.

[redacted] that you found it when Mr. Keyes [redacted] of yes with reference to your knowledge about [redacted] it is exactly the case.

[redacted] Yes, sir, whatever.

[redacted] The last exhibit shown will be filed [redacted] matter in the case.

[redacted] testimony will be made part of the record [redacted] in the case of [redacted] and known in D-305, D-310, D-317, D-[redacted], D-315, D-[redacted], D-[redacted], D-319, D-321, D-322, D-[redacted], D-[redacted], and D-[redacted].

[redacted]

[redacted] that as stenographer to the reporting of the [redacted] hearings, he correctly recorded the proceedings and testimony in the above cause, and the foregoing [redacted] is a true and complete transcript of his stenographic notes thereof.

Bruce E. Yarnell

Subscribed and sworn to before me this 11th of November, 1946.

M. D. Anderson
Notary Public

File with Doc Nos. 636

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. October, 28th 1901.

In the matter of the application of Arthur Ward et al., C. T. D. #807
SUPPLEMENTAL TESTIMONY

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certified copy from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. H. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

= = = =

Copy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peter Hudson and others, consolidating the applications of

Peter Hudson,	Cherokee Freedmen		D	604
William Hudson, et al.,	"	"	D	605
Peter Ward, et al.,	"	"	D	613
Abraham Ward, et al.,	"	"	D	607
Ben Ward, et al.,	"	"	D	616
Squire Ward, et al.,	"	"	D	615
Sadie Ward,	"	"	D	585
David Ward,	"	"	D	619
George Ward,	"	"	D	625
Alonzo Ward, et al.,	"	"	D	606
Will Ward, et al.,	"	"	D	610
Berry Ward,	"	"	D	611
Lena Ward, et al.,	"	"	D	1119
Malinda Williams, et al.,	"	"	D	618

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artee Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Mura and Elnora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Deleis Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al., is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward, were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Deleis Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Alantuce Ward, Opal Ward, Myrtle Ward, Lena Ward and Daisy Ward, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section fourteen of the Act of Congress, approved June 28, 1898, (30 Statutes, 495); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Lydia Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Katie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Zora Ward, Elmore Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Henry Williams and Delphi Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress; and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this JUL 10 1903

IN RE
THE DEATH OF

Clarence Ward
a citizen of the

Cherokee *Nation.*

Approved August 2 1904
T. R. Ravlin
Commissioner

JR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 2 1904

AUG 2

CHAIRMAN

AWC

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE
FIVE CIVILIZED TRIBES.

It appearing that the within named applicant, Clarence Ward, died on June 8, 1902, I am of the opinion that under the provisions of the Act of Congress approved July 1, 1902 (32 Stat. 716), the application of the said Clarence Ward for enrollment as a Cherokee freedman should be dismissed, and it is so ordered.

Commissioner

Dated at Muskogee, Ind. Ter.
this FEB 28 1907

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Clarence Ward (Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Wimer (Here insert name of post office), Ind. Ter., and died on the 8 day of

June, 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Ben Ward, on oath state that I am 47 years of age and a citizen, by ____, of the United States Nation; that my post office address is Wimer (Here insert name of post office) Ind. Ter.; that I am father (State relationship as: the father; an uncle; a cousin, etc.) of Clarence Ward (Here insert name of deceased), who was a citizen, by adoption, of the Cherokee Nation; and that said Clarence Ward (Here insert name of deceased) died on the 8 day of June, 1902.

Ben Ward

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of August 1902

Samuel Foreman

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ____ District.

I, ____, on oath state that I am ____ years of age, and a citizen, by ____, of the ____ Nation; that my post office address is ____ (Here insert name of post office) Ind. Ter.; that I was personally acquainted with ____ (Here insert name of deceased) who was a citizen by ____, of the ____ Nation; and that said ____ (Here insert name of deceased) died on the ____ day of ____, 1

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this ____ day of ____ 190__

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-804, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment, of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Hudson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Ben, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Myra, Elnora, Will, Gracie, Frances and Perry Ward, and Malinda, Monroe and Dolcie Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. H-8.

Commissioner in Charge.

Refer in reply to
the following
[illegible]
[illegible]
[illegible]-1904.

DEPT
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, April 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1904, transmitting the record relative to the applications of Peter Nelson, et al, for enrollment as Cherokee Freedmen.

Peter Nelson applied for enrollment of himself; William Nelson for the enrollment of himself, his wife Eliza and their children, Ernest, Levi, Wilburn, Ida, and Ivory Nelson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artee Ward; Ben Ward for himself, his wife, Sarah, and their children, Vennie, Martha, Clarence, Emil, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Nora, and Elnora Ward and for his wife, Estella, as an unmarried freedman; Will Ward for himself and children, Gracie and Frances Ward; Harry Ward for himself Lena Ward for herself and child, Bessie Bacon; Malinda Williams for herself and her children, Reeves and Felicia Williams.

COPY.

Choctaw Freedmen
Peter Nelson et al.

Muskogee, Indian Territory, August 26, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated cases of Peter Nelson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Hannah, Lora, Wilburn, Ida and Henry Nelson, Sarah, Vannie, Martha, Elaiyana, Enoch, Myrtle and Jesse Ward and Nancy Jackson, and rejecting the applications for the enrollment of Peter Ward, Ellen Rogers, Louisa, Ina, Abraham, Arthur, Ina, Sophia, Joseph, Jennie, Ellen, Robin, Enoch, Aaron, Hannah, Jeremiah, Mary, Eleanor, Will, Orville, Truman and Henry Ward, Malinda, Eleanor, and Infant William as Choctaw freedmen.

Respectfully,

T. C. Weedon.

Through the Commissioner of Indian Affairs. Commissioner in Charge.

Enc. D-150

COPY.

Cherokee Freedmen
Dodd et al.

Muskogee, Indian Territory, August 24, 1908.

Edgar Smith,
Attorney for Peter Hudson et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1908, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rosie Bowen, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Ben, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Sara, Elmore, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Dalois Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be

...ter known to you as such as the Commission is informed of the enemy

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl D-169

Register.

Copy.

Cherokee Freedmen
D-616

Muskogee, Indian Territory, August 24, 1903.

Ben Ward,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of your wife, Sarah Ward, and your five minor children, Vennie, Martha, Clarence, Neal and Myrtle Ward and rejecting your application for the enrollment of yourself as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-144
Register.

Commissioner in Charge.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Rennie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the

slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons mentioned in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitmires." From the record the minor applicants last mentioned do not appear to be entitled to enrollment

by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonzo Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonzo Ward and his children, Savannah, Ezra, and Elnora, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has got yet passed upon her rights, if any she ha:

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children,

Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman:" and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to

enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, [illegible], Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Roxie Benson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GHF-D

D C 14391-1904. COPY WGF

I.T.D. 3254-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. FHE

April 29, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604, et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Eddie, David, George, Alonzo, Savannah, Ezra, Elmera, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Dolcis Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

1334
R 284

Cherokee Freedmen
D-616.

Muskogee, Indian Territory, May 11, 1904.

Ben Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and granting your application for the enrollment of your wife, Sarah Ward, and your minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Ezra and Elnora Ward, Malinda, Monroe and Delbis Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
Docket of Com.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

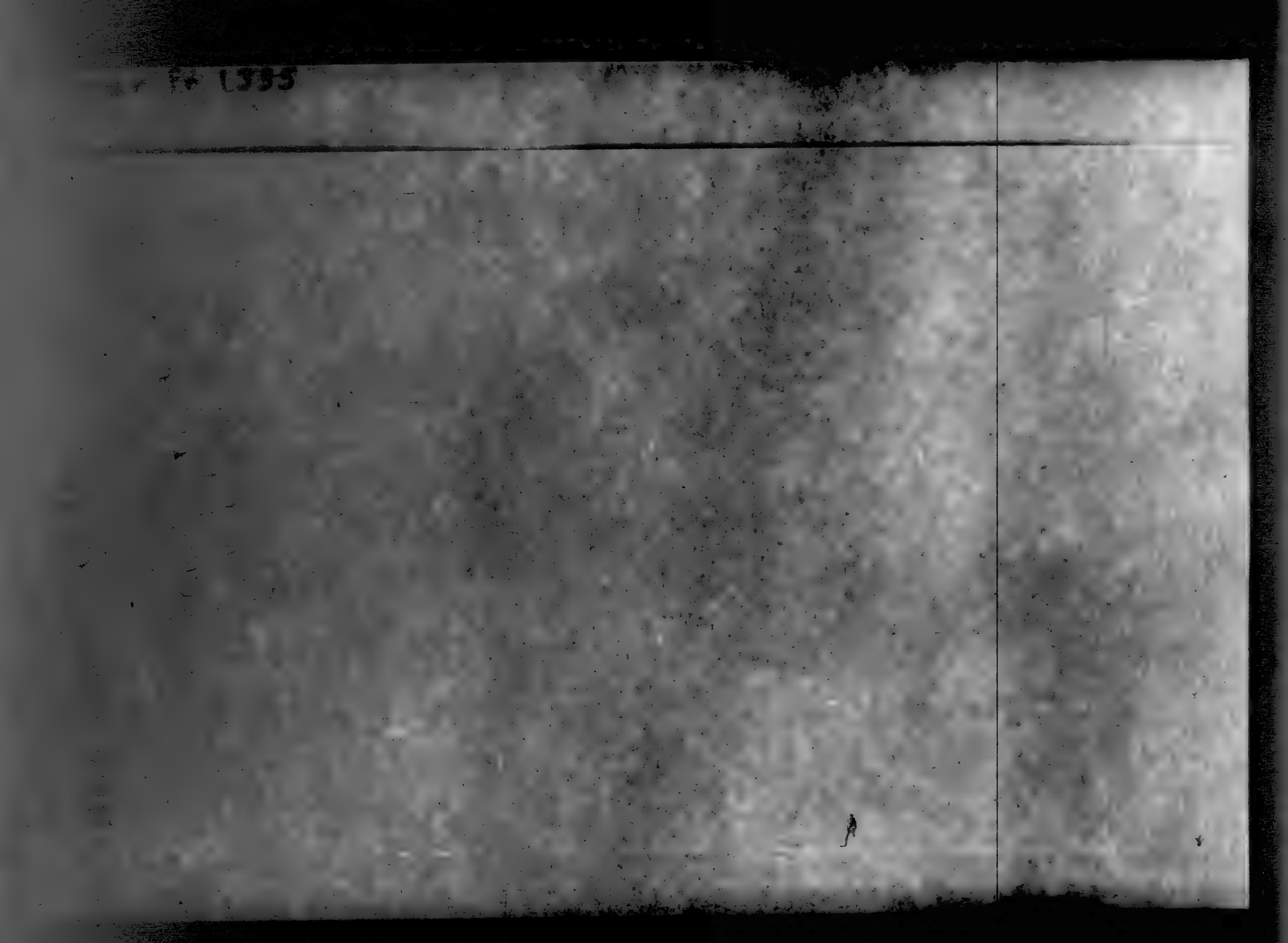
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Bessie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Ornelo, Frances, Perry, Peter, Louisa, Ava, Abraham, Artes, Alonzo, Savannah, Ezra and Elmora Ward, Malinda, Monroe and Eloise Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.



[redacted]

In the matter of the application of Lena Ward for the enrollment of himself and child as Cherokee freedmen.

Applications represented by Attorney A. Smith, Vinita, I. T.

The said Lena Ward, being first duly sworn, testified as follows:

EXAMINATION: What is your name? A Lena Ward.
How old are you? A 34.
What's your postoffice address? A Grand Indian Territory.
What district are you living in? A I don't know, sir.
Is your enquiry for enrollment as a Cherokee freedman? A Yes, sir.
What was the name of your father? A Jim Ward.
Is he living or dead? A He is living.
What's the name of your mother? A Nancy Watkins.
Is she living? A Yes, sir.
Your father and mother both Cherokee freedmen? A Yes, sir.
Have you always lived in the Cherokee Nation? A Yes, sir, always.
Were you born here? A Yes, sir, born right here.
Have you ever been outside of the Nation for any purpose? A No, sir.
Have you ever been interpreted as a freedman; have you drawn money? A Yes, sir, I drawed money twice.

E. S. Bill, page 126, No. 1121, Lena Ward, Commissioners Minutes.
Witness Bill, page 112, No. 2824, Lena Ward, Commissioners Minutes.

Have you any children for whom you make application? A Yes, sir, I have got one little girl.
What's the name of that child? A Bessie.
Bessie Ward? A Yes, sir, Bessie Ward.
How old is she? A She will be three years old in June.
Is she living? A Yes, sir.
Is that the only child for whom you make application? A Yes, sir, that's the only one.
MR. SMITH: Who was your grandfather? A Peter Ward.
Where does he live? A On Big Creek.
Is the Cherokee Nation? A Yes, sir, in the Cherokee Nation.
And that is who you get to speak here? A He is my uncle.
And you are a daughter of Abraham Ward? A Lena Ward.
That is who you say is Abraham Ward? A He is my uncle.
What's his wife's name, or has he got any? A He hasn't any wife.
Who is Artie Ward? A That's a first cousin of mine.
Those are all Artie? A Abraham Ward.
The applicant asks for a reference of the testimony of Abraham Ward, Artie.
MR. SMITH: Where were you born? A Right on Big Creek in the Cherokee Nation.
Where were you enumerated? A In the Cherokee Nation.
Where? A Well, get the license to White.
Where were you enumerated? A On Big Creek.
Who enrolled you? A Let's see, I have to study about that now, Jackson Ward.
Were you here now? A I lived on Big Creek.
Why didn't you enroll in the enrollment that they was up at Chelsea? A Well, I was sick, that's all.
Are that time? A Yes, sir, well I wasn't sick when they was at

Q. Are you now or have you ever been married? A. No, sir, I have never been married only just to go and come right back.
Q. And the daughter of Ben Ward? A. Ben Ward.
Q. (QUESTION): Are you married now? A. No, sir, I am not married.
Q. Not living with your husband? A. No, sir.
Q. What was your husband's name? A. William Brown.
Q. Do you want to be enrolled under his name or under your own name? A. By own name.

Rena Ward applies for the enrollment of herself and her child, Nannie Brown, as Cherokee freedmen. The applicant is duly identified on the Kerns-Clifton roll of Cherokee freedmen and the Wallace roll of Cherokee freedmen. She avers that she is the child of Ben and Susan Ward, and that she is a niece of Abraham Ward, who has been listed for enrollment as a Cherokee freedman on Cherokee Freedmen roll card field No. D-6677. It is directed that a copy of all the testimony had in the matter of the application of her uncle, Abraham Ward, be filed with and made a part of the record in this case. Final judgment on these applications which Rena Ward makes for the enrollment of herself and child will be suspended and their names will be placed on a doubtful card, awaiting further consideration by the Commission.

Arthur G. Cronmiger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes to report in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Cronmiger

Subscribed and sworn to before me this 7th day of July, 1906.

E. L. Kratz
Notary Public.

DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 27 1902

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 21 1902

Post Office Denver, I.T.

District

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Lena Ward Age 21

Owner's name ..... Citizenship .....

Year 1896 Page 126 No. 3131 District Nov

Parents:

Father Berry Ward living Citizenship Freedmen

Mother Sarah Hudson " Citizenship "

Names of Children:

3. Rosa Belson Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

Doubtful

No on Wallace Rol, P 151 No 315H, Nov. Dist

Represented by McCitte & Smith.

* Left to Freedman Dec'y.

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File with N.B-1117 (Lena Ward)

Mellette & Smith for applicants.
W. W. Hastings for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Ward.
Q How old are you? A 55.
Q What is your postoffice address? A Wyner.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you desire to have enrolled besides yourself? A One boy, Artes Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1880 roll? A No, sir.
Q Is it on any of the rolls? A The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:
Page 125, No. 3117, Abraham Ward, Coowescoowee district.
Page 125, No. 3124, Artus Ward, Coowescoowee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 152, No. 3162, Abraham Ward, Coowescoowee district.

Q Where were you born? A On Baties' Prairie.
Q In the Cherokee Nation? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '62 I went into the Union Army.
Q What regiment? A Blunt's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Cane Hill, Arkansas, waited on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of '66.
Q Have you lived here continuously ever since? A Yes, sir.
Q Are you married? A Yes, sir, but my wife is dead.
Q Who was the mother of Artes?
A Caroline.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A The Adairs.
Q Is her name on the 1880 roll? A No, sir.

Q Was Her name Caroline Adair before you married her? A Yes, sir.
Q When did you marry her? A In '65.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes, sir, I come on down and then went back in the fall and brought her.
Q How much of a family did you have then? A None, all of my children were born here.
Q Did you live with Caroline until her death? A Yes, sir.
Q Who were your owners? A Jim and Louisa Ward.
Q And they were Cherokee citizens were they? A Yes, sir.

By. MR. Mellette:

Q Have you a place on the Public Domain of the Cherokee Nation?
A Yes, sir.
Q How long have you owned it? A Since '66.

By MR. W. W. Hastings:

The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By. MR. Mellette:

Q You have never lived out of the Cherokee Nation since your return in '66? A No, sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes, sir.
Q Are you his son? A Yes, sir.
Q Are you his oldest son? A Yes, sir.
Q You went to Mound City, Kansas, didn't you? A Yes, sir, after I quit driving Government teams.
Q Is that in Linn County? A Yes, sir.
Q Do you know Cusky Brown? A Yes, sir.
Q Did you see him in Kansas? A Yes, sir.
Q What year did you see him there? A I think it was in '67.
Q You knew Joe Ward? A Yes, sir, we were raised together.
Q He was your young master? A Yes, sir.
Q You saw him in Kansas too, didn't you? A Yes, sir, in '65 when I was driving a Government team he come to our house.
Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house, I was living with my father.
Q You were not married then? A No, sir, married directly after.
Q What year did you marry? A In the fall of '65 after he was up there.
Q How old is your oldest child? A He is 32 I think it is according to my judgment.
Q What time in the year was that oldest child born? A In September.
Q Was he 32 last September or this coming September? A This coming September.
Q That is your best judgment? A Yes, sir.
Q Did you come back with your father Peter Ward? A No, sir, not the first time I come.
Q Didn't you testify before that you come back with your father?
A No, sir, I went to Fort Gibson the first time and the next time I come down with him.
Q How long after that did you come down again with your father?
A The same year, I come to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.

Q You had married them? A Yes, sir.
Q You come down the last time in November? A Yes, sir.
Q Who come with you that first time? A Sim Moseley or Rogers.
Q Came through on horseback? A Yes, sir.
Q How long did you stay here then? A Staid a considerable time, had kin folks there.
Q Who? A Berry Mays and Mr? Mays.
Q Well how long did you stay there? A About a month or so.
Q How long after that did you come with your father? A In November
Q You located permanently that last time? A Yes, sir, but I was on Bog Creek when I went back from Fort Gibson to Kansas the first time.
Q How far did you locate from Snow Creek? A 8, 10 or 12 miles.
Q What direction from the mouth of Snow Creek? A Northeast.
Q How far from the Kansas Line? A About 8 miles south.
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
Q Had they houses there then? A Yes, sir.
Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
Q What time was it when you went up? A In August.
Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
Q That was in '68? A No, sir.
Q Your young master, Jos Ward, testified that he saw you there in '67? A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes, sir.
Q Where? A On Big Creek.
Q When? A I had been there about two years.
Q Did you locate right on the place where you now live? A Yes, sir.
Q And have lived there ever since? A Yes, sir.
Q Is your father living? A Yes, sir.
Q He lived there with you? A Yes, sir.
Q What Cherokees are living along there? A Albert Morris.
Q Was he living there when you come? A No, sir.
Q How far was Jim Martin living from there when you come there? A No, sir, he was not living there and the Delawares were not living there then either.
Q You anticipated that question didn't you? A I know they was not living there then.
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.
Q Do you know Jess Brown and Tecumseh? A Yes, sir.
Q They were up in Kansas looking after some pension matters, weren't they? A I don't know.
Q Was Sam Webber living in a house up there? A Yes, sir.
Q Who did you stay all night with up there? A With Peter Meigs.
Q That was in August? A Yes, sir.
Q In 1866? A Yes, sir, latter part of August.
Q Did old Peter Meigs have a crop there then? A Yes, sir, a little one.

By the Commission-

Q Why is your name not on the 1880 roll? I don't know, the census

takers didn't come there.
Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and come back and said that it was not necessary to go down there as they was not enrolling us people.

L. D. Daniels, called and sworn as a witness before Com'r T.B. Needles, testified as follows for the applicant:

By Com'r Needles:

Q What is your name? A L. D. Daniels.
Q What is your age? A 56.
Q What is your postoffice address? A Claremore.
Q Are you a recognized freedman of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant? A Yes, sir.
Q How long have you known him? A I got acquainted with him in the fall of '66.
Q Do you know if he was a slave? A No, sir, I don't.
Q Where did you see him in the fall of '66? A At Fort Gibson.
Q Have you known him ever since that time? A I saw him after I moved up here to Coowescoowee.
Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Ruth Adair's and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
Q You had never seen him before that? A No, sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '66? A Yes, sir.
Q You had never seen him before that? A No, sir.
Q You didn't witness for him before the Kern Clifton Court did you? A No, sir.
Q Do you know how long he staid in Fort Gibson that time? A No, sir, I don't.
Q What time did you see him there? A In the fall.
Q What time in the fall? A First part of September or the last part of August, somewheres along there.

By the Commission:

Q How do you know it was in '66? A Because I was living right there and noticed all the girls that come in there.
Q You was a young man then? A Yep, sir.
Q You was a government officer also wasn't you? A Yes, sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q How old are you? A 58.
Q What is your postoffice address? A Nowata.

Q Are you a recognized Cherokee Freedman? A Yes, sir.
Q Do you know the applicant? A Yes, sir.
Q How long have you known him? A Got acquainted with him in Kansas.
Q During the war? A Yes, sir, time of the war.
Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
Q Where did you see him? A On Bib Creek.

Q He came up there to live? A Yes, sir.
Q Did he have his family there with him? A Yes, sir, he had his family with him.
Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
Q Have you known him ever since? A Yes, sir.
Q Has he lived in the Cherokee Nation continuously ever since? A Yes, sir.

By W. W. Hastings:

Q He settled right there in the fall of '66? A Yes sir, frost was falling.
Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
Q About how long before that? A I can't just tell, not a great while.
Q A month? A Must have been a month, I don't remember exactly.
Q Are you prepared to swear positively that all these people came down there 35 years ago, in '66? A Yes, sir, all those I am acquainted with that came.
Q How far did this man live from you then? A 4 miles.
Q He has lived there ever since? A Yes, sir.
QC You know he was living there in '67? A Yes, sir.
Q You know he was living there in '68? A Yes, sir.
Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes, sir.
Q Do you know his father? A Yes, sir.
Q What is his name? A Peter Ward.
Q He come with his father, did he? A Yes, sir, they came together.
Q And settled in the same neighborhood? A Yes, sir.
Q What place in Kansas did you come from? A Linn County, same place they come from.
Q Mound City? A Yes, sir.
Q Did you know them there? A Yes, sir.
Q Did you go back up there directly after you come down here and settled? A No, sir.
Q Did you go back there in '67 or '68? A No, sir.
Q Was this man married when he come down there? A Yes, sir.
Q Was his wife with him? A Yes, sir.
Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.
Q Did he have any? A If he did, I don't know it.
Q You know he was married though? A Yes, sir.
Q Did he live with his father when they first came there? A They both camped there close together.
Q Did they make separate homes? A Yes, sir.
Q Had you made a crop there when he come? A No, sir.
Q None of you had crops in then did you? A No, sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by H. W. Hastings-

Q You saw Will and John Ward directly after Will got into trouble, did you? A Yes, sir, I saw Will, he came to my house.
Q You had a talk with him? A Yes, sir.
Q You told him where you had been? A No, sir, not exactly as to where I had been.
Q Talked about old slavery times? A Yes, sir.
Q Told him when you had come back? A No, sir, that question was not asked.

Continuation of the above application reported by B. C. Jones.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes there in.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 19th of June, 1901 at Nowata, I.T.

(Signed) T. B. Needles,
Commissioner.

Abram Ward et al.
(Continued from testimony taken by Stenographer Chas. von Weise, June 8, 1901.)

George Meigs, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A George Meigs.
Q What is your age? A I don't know exactly, about sixty seven odd.
Q What is your postoffice? A Vinita.
Q Are you a recognized Cherokee Freedman? A Yes, sir.

Q Your name on the 1880 roll? A No, sir.
Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.
Q Do you know Abram Ward, the applicant here? A Yes, sir,
Q How long have you known him? A Ever since he moved on Big Creek.
Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
Q Who did he belong to? A Belonged to a man they called George Ward/
Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
Q Where did he go? A Went up to Fort Scott.
Q Did you see him? A No, sir, I just met him up there.
Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
Q When was the first time you saw him after the war? A Why, it was in the fall of '66.
Q Where did you see him then? A On Big Creek.
Q Was he living there? A Well he has been there ever since.
Q Was he living there then? A When I saw him, why he just came.
Q Did he have a family with him when he came? A Yes, sir.
Q How many children did he have? A Well, I can't hardly tell you.
Q Have his wife? A Yes, sir.
Q Was he camping there or had he built a house? A Well he came in and camped, and built a house.
Q Have you known him since that time? A Yes, sir.
Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yeam, sir.
Q You were taken out during the war, were you? A Yes, sir.
Q Did you return with Abram Ward? A I returned just a little before he did.
QC you saw him here in '66 in the fall? A Yes, sir.

MR. HASTINGS: How long had you been back when you saw Abe? A I don't know exactly.
Q A year or two? A I hadn't been back a year, no, sir.
Q Well/ had you put in a crop that year you came back? A No, sir, I hadn't then.
Q Did you have any corn in when he came? A No, sir.
Q Any potatoes in? A I had a patch started to clear out.
Q But you had no corn on it? A No, sir.
Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
Q But had you planted any when this man came down here? A No,sir.
Q George, you don't know anything about dates, years? A No, sir, I don't.
QC You don't know one year from another? A No, sir, I don't know, of course I am not got no education.
Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived east of a little town the called Dutch Town on a bil gill; west of it.
Q Who did you belong to? A Belonged to a man they called Reuben Daniels and Lila Daniels.
Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.
Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder of north, nearabout north

Q You were up there before the war, were you, Beattie's Prairie?
A No, sir, I don't know that I have ever been to the place.
Q When did you first see Abe? A The first time I saw Abe, to recollect him was at Fort Scott.
Q During the war? A Yes, sir.
Q Then you never saw him before the war? A No, sir.
Q You don't know of your own personal knowledge who he belonged to?
A Of course I don't, but I know what he says, who he belonged to.
Q You swore a while ago that he belonged to George Ward? A That is what I told you his owner was.
Q You don't know that? A No, sir.
Q You are the son of Peter Meigs? A Yes, sir.
Q Peter Meigs went down before the Court to have himself and family enrolled? A Yes, sir.
Q Did you go along with him? A No, sir.
Q He is dead? A Yes, sir.
Q He didn't get enrolled? A No, sir.
Q He has been refused by the Cherokee Nation? A Yes, sir.
Q You know this man, the applicant, has been refused all the time? A Yes, sir.
Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.
Q But you don't know how many more? A No, sir.
Q What was this child's name? A Named Lon.
Q He stayed right near you? A Yes, sir.
Q He came down with his father, didn't he, Peter Ward? A Yes, sir.
Q They all came together and stayed up there? A Yes, sir.
Q I want to know if you are positive about the year that they came in? A Yes, sir.
Q They have lived there continuously ever since that year they came? A Ever since.
Q They never went back to Kansas and left up there? A I believe the old man went back on ce or twice for grub.
Q Not up there to live? A No, they never went up there to live.
Q Are you willing to swear positively the year they came? A Yes, sir.
Q That was in 1866 was it? A Yes, sir, '66 we came.
Q Was it 1866? A I can't say whether it was eighteen hundred or not.
Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was rushing to get down there to get a place he said for his children.

Commissioner: Your daddy knew he had to be there in '66 did he? A Yes, sir.

Commissioner: Abrum Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1880 or the census roll of 1896 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace roll. His child Artes is also identified upon the Kern-Clifton roll. He avers that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. How Abrum Ward and his child Artes will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission. He will be duly notified by mail at his postoffice address of the

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decision of the Commission, then arrived.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 12th of June, 1901.

(Signed) T. B. Needles,
Commissioner.

File with Cherokee Freedmen D-807, Abraham Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al, for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Millette & Smith, Attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Q. What is your name? A. C. W. Kingsbury.
Q. How old are you, Mr. Kingsbury? A. I am 47 years this fall.
Q. What is your postoffice address? A. Round City, Lyon County, Kansas.
Q. How long have you lived in and about Round City? A. Ever since the 15th day of August, 1871.
Q. Have you lived there all the time, or how have you lived there ever since, you say? A. Yes, sir, lived there continuously ever since, with the exception of [illegible].
Q. What was your father's name? A. My grandfather's name was Abraham Ward.
Q. Did you know a colored man in Round City, Kansas, by the name

of Peter Ward? A There was one lived there, yes, sir, by that name.
Q Did you know any of his children? A Yes, sir.
Q Name some of them? A There was Abraham, Berry, Hank, Elmer, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.
Q When did you first become acquainted with this family of Wards? A In the fall of '68.
Q Where were they then? A They lived on a place west of ours.
Q How far was that from Mound City, Kansas? A That was three miles; it was three miles to my place and their place joined right west of ours.
Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.
Q How long did they continue to live [illegible] from '68 in that immediate vicinity about Mound City? A From '68, in the fall of '69 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.
Q What was his name? A Anse Durbin.
Q That was in the spring of '69? A In the spring of '69 they moved onto our place.
Q When you say our place, you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.
Q How how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is, Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.
Q They gave up the last year? A Yes, sir, they gave up the last year.
Q And they lived there for three years from '69, as I understand it? A From '69 to the fall of '69.
Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '69.
Q How do you know it was built there in '69; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Mooney, on finishing the main work he placed a rock up over the door with his initials and the year it was erected in.
Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.
Mr. Hollister: I think that is a very leading remark.
Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat out in the fall of '69 he left some wheat in our barn and the next spring he came and got it.
Q You know there he was the next spring, there he was living? A He said he had moved down to this country, that is what he told and he supposed he had.
Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but that year I don't remember.
Q What is your occupation? A I am farming and stockraising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember uncle Peter going away at this time that I spoke of.
Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.
Q Is your grandfather, Burgin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 80 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.
Q What is your postoffice? A Mound City, Kansas.
Q How old are you? A I am 47 this fall.
Q How old were you in '60? A In '60 I was 12 years old, I was born in '48.
Q Did you, as a 12 year old boy, pay much attention to dates? A What do you mean, in what way do you mean?
Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place, this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.
Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.
Q When were you first asked to appear as a witness in this case? A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.
Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '60 until 1901.
Q How long is that? A From '60 would be 38 years, if I am not mistaken.
Q Do you remember back then 38 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.
Q And when they moved off? A Yes, sir.
Q Where were you living at that time? A I must have lived on the place, I was living at the same place I live now, three miles west of Mound City, in Lynn County, Kansas.
Q Is that the only date you can remember about things that took place in those days? A No, sir.
Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.
Q What impresses the fact on your mind as to when them people lived on that land? A As I said, Mr. Ward was living on a farm that belonged to Corbin and he had put up a house there, a log house; he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.
Q You know of that? A Yes, sir.
Q You remember that conversation 38 years ago? A Yes, sir.
Q You are giving the exact conversation that you heard 38 years

age? A Thereabouts. I remember the contract and the conversation.
Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.
Q Did you conduct business at the age of 15? A In the way of leasing land I didn't , and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.
Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood that they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.
Q Well what do you mean by saying you don't think it is?
A Well I mean that he lived three years of the lease out there on the farm, that is, living three years on the farm.
Q Was there any particular reason for your remembering that for 32 years, the time that these people went on your grandfather's farm.
A The thing that calls the memory to the time was the fact that Alexander bought the place.
Q And you remember the year he bought the place? A Yes, sir.
Q Do you remember this by talking to your grandfather or somebody else or have you retainedit in your memory? A I have retained it in my mind, by talking to Alexander during his lifetime.
Q You have retained it by talking to Alexander? A Yes, sir.
Q You are testifying by what Alexander told you? A I know he came there in '66.
Q I want to know sm if you are testifying about these dates by what Alexander told you? A I am not.
Q What made you say you remember it by talking to Alexander in his lifetime? A I remember him moving there in '66 cause as I remember I moved to Kansas in '61.
Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they?
A I don't know what they testified to.
Q Who else lived on your grandfather's place after the Wards moved off? A At the time they lived on the place there at one time, not all the time, there was a man by the name of Andersen Turk.
Q When did he move on the place? A He moved on the place sometime in '65 he had been on the place I think a year.
Q When did he move off? A He moved off the place, let's see, about '75.
Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he m lived on the place 12 years and moved there in '65.
Q What year did he move off? A About the year 1875.
Q You swear that, do you? A Yes, sir.
Q Who lived on the place besides that man? A Why George Brown lived there.
Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.
Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.
Q Well, which is it, '67 or '8; just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it then that man lived on the place? A '67 or '8, I am not sure which.
Q Why can't you remember, if you can remember when Peter Ward moved on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.
Q When did he live there? A I think one winter.
Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.
Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.
Q Who cultivated it? A The old gentleman.
Q Anybody else ever live on that place? A How do you mean, since '66?
Q Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.
Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.
Q Now was it about '67 or was it '67? A I am not sure whether it was '67.
Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.
Q Do you swear positively it was '67 when he lived on the place? A I am pretty sure of it, I am positive.
Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.
Q It was '67 then? A Yes, sir.
Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after uncle Peter moved.
Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.
Q You were a 12 year old boy at that time? A Yes, sir.
Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he askedyou? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

MR. Hastings: I had talked to you about your grandfather's place? A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Headles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.
Q Mr. Osborn, how old are you? A 49 years old.
Q What is your postoffice? A Mound City, Lynn County, Kansas.
Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.
Q Have you lived there since that time? A Well that has been my home, I have been away a year or so at a time, was back in Illinois a couple of times years and I was out in

Colorado about the mountains about 12 or 14 months.
Q Well, where were you the three or four years after the war?
A I was on our place, home.
Q How far was your place from Mound City, Kansas? A Three miles.
Q What direction? A Southeast.
Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.
Q Do you know Mr. Kingsbury who has just left the stand?
A Yes, sir.
Q He is a grandson of Durbin? A Yes, sir.
Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.
Q Did you know any of the members of his family? A Yes, sir.
Q Give me the names of some of them? A I know of Abe and I know Berry and I knew Squire Ward, that is about all that I know, he had other children, but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.
Q When did you know them? A Well, sir, it was along, I think, the latter part of summer, they lived in there.
Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.
Q I mean did you know them after the war? A Yes, sir.
Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.
Q Do you know where they were living? A Yes, sir.
Q What place? A They were living on Mr. Durbin's farm.
Q Do you remember where they ~~xxxxxxxx~~ went when they left there?
A Well I don't know positive, only I have understood they came to the Indian Territory.

MR. Mellette: How old are you? A 49 years old.
Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.
Q How who did you first talk to about knowing anything about these people? A Mr. Keys.
Q Mr. Keys came up into Kansas didn't he? A Yes, sir.
Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.
Q Well was that the first time anybody had ever talked to you about when the Wards left the country? A Yes, sir.
Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.
Q You were a boy about fourteen years old? A Yes.
Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.
Q How far do you swear positively? A Well I know that he was there sometime after the war.
Q You know he was there sometime after the war? A Yes.
Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.
Q Well do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of

And who used to work for my father some time after the war, he worked on our place, but I can't say positively what year it was.
Q You don't know when he worked on your father's place?
A No, sir, not positive.
Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '64 or '65, along there.
Q '65 was it? A Or '65.
Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.
Q The latter part of '65 or '66? A The latter part of '66 or '5.
Q The latter part of '65 or '5, you say that? A I saw either the latter part of '65 or '55, sometime along in there that price went through there.
Q Don't you know that price made his raid through there in '63? A No, I don't hardly believe he did.
Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely till about '65.
Q Yes but you say Price made his raid through there in '65 or '66? A I meant '64 or '5.
Q What made you change? A Well, I just made a mistake.
Q Who talked to you after you came? A Nobody.
Q Well Mr. Hastings here consulted you didn't he? A He asked me some questions.
Q Was Mr. Kingsbury present? A Yes, sir.
Q Who else was present? A There was lots of gentlementhere.
Q All you witnesses who came down in that case were present and talked together? A Well they asked me some questions.
Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positively, but I am satisfied that he was there several years after the war closed.
Q But then if you think Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.
Q Do you say that price did make his raid through there in '64 or '65? A I wouldn't say positive.
Q You wouldn't say positively about that? A No, it seems to me it was in that time.
Q You were a boy? A Yes, I was a boy.

MR. Hastings: You were summoned here as a witness on the part of the Cherokee Nation, weren't you? A Yes, sir.
Q I consulted you with a number of other witnesses down there? A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.
Q Who served that Subpoena on you? A Mr. Campbell left it at my farm.
Q Who is Mr. Campbell? A His name is Neve Campbell.
Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.
Q What is your age, Mr. Ward? A 56.
Q What is your postoffice? A Maysville, Arkansas.
Q You live in the Cherokee Nation side there? A Yes, sir.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Mr. Ward, what was your father's name? A James Ward.
Q Did your father ever own a colored man by the name of Peter Ward? A No, sir, my grandfather owned him.
Q You know Peter Ward then? A Yes, sir.
Q Before the war? A Yes, sir, he married a negro woman my mother owned.
Q He had some children? A Yes, sir.
Q You remember any of their names? A Yes, sir.
Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.
Q Did they live there when the war came up? A Yes, sir, in '65 as well as I can remember.
Q Did you ever afterwards see them? A Yes, sir.
Q Where did you next see them? A In Mound City, Kansas.
Q When was that? A In the fall of '65, October.
Q Now when did you next see anyone of this family? A The next time one of them was here in Vinita just after that payment, the first payment of the Cherokees. I don't remember the exact date.
Q You don't remember the exact date? A No, sir.
Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
Q You don't remember the date of that payment? A No, I don't remember the date.
Q Was this railroad through here at that time? A I think so.
Q Well which one of them did you see at that time? A Abraham.
Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
Q He say where he was living at that time? A Living out here on Big Creek, up here in Coowescoowee.
QC You remember when he said he came? A No, I don't positive, it seems to me he told me he came here in '68, that is my best recollection.
Q Did you see any other members of the family at the time?
A No, sir, not that I remember.
Q Have you talked with any of them since that about it?
A No, sir.
QC You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70, but I don't know exactly what date it was.

Mr. Kellette: Well did any of the colored people get the payment at that time? A I don't know, I don't think they did.
Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
Q You wouldn't swear that he told you he came here in '68, positively? A Not positively, but that is my best recollection.
Q Well that has been a long time ago, hasn't it? A Yes, sir.
Q You ever been arrested? A I don't know that that cuts

any figure in this case.

Commissioner: Please answer the question.
A Why yes.

Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
Q That all? A And detaining pension money.

Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.
Q What is your age, Mr. Ward? A Age is 50.
Q What is your postoffice? A Maysville, Arkansas.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q You live on the Cherokee side of the line? A Yes, sir.
Q What was your father's name? A His name was James Ward.
Q Did you know a colored man by the name or Peter Ward? A I did when I was a boy, I haven't seen him since.
Q Did he have some children? A Yes, sir.
Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elise and Clint.
Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.
Q Well which one did you see after the war? A That was Miner.
Q What was her name then? A Rowe I think she called her name.
Q Where did you see her? A Up here between here and Chetopa, Big Creek I think it was.
Q Between here and Chetopa? A Yes, sir.
Q In what district? A In Cooweescoowee, I guess.
QX Did you have any talk with her? A Yes, sir.
Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7, somewhere along there, I don't recollect just the year.
Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
Q You say it was sometime in '70? A Yes, sir.
Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
Q This M. K. & T? A Yes, sir.
Q Well what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman and then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there

except one of them, there was she had never come back, that is my recollection, I don't know which one now.
Q Who was with you at the time? A Will, my brother, we had been up to Caffeyville with some apples and came back there and stopped.

Mr. Mallette:

Q You say you asked them about the family? A Yes, sir.
Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
Q Where did she say her father was? A He lived there somewhere.
Q Where? A Up here about Big Creek.
Q Where did she say Abraham was? A He was there.
Q Where? A Up in there, right close there, I was asking her how they were all getting along.
Q How many years ago has that been? A Along in '70 sometime.
Q '70 when? A Between '75 and '77.
Q What made you say it was in '60 first? A I just miscalled it.
Q Wasn't it in the sixties? A No, sir.
Q Don't you know it was in '66? A No, sir.
Q Between '66 and '7 and '8? A It wasn't in '66.
Q Why wasn't it? A Because this railroad was built through here.
Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
Q How long ago? A I don't remember.
Q When Mr. Wallace made this roll? A No, sir.
Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
Q How long ago? A I don't remember just now.
Q About how long ago did you remember that she said she was too late? A It was when we were up there, is all I know about it.
Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
Q How many years before you were married? A Two or three.
Q Two or three? A I don't remember just exactly, it was so long ago I can't recall it, I can't recollect the exact dates.
Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this Court.
Q This time? A No, that other time.
Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
Q Who were making the roll at that time? A Hastings and Thompson, and there was a negro there, an attorney, I forget his name.
Q You can't give any idea when that date was can you; why can't you remember the date you were first called on to testify to this fact as well as you can remember when she told you she came here too late? A I never paid much attention to it.
Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.
Q After thirty years you got to counting it up, did you? A It wasn't thirty years.
Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.
Q Well how many years has that been? A Well I can't count, this is 1901, you can count yourself.
Q Well I am not going to do it, I asked you how many years it was? A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.
Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.
Q Was it 1895? A I don't remember.
Q 1890? A (No response.)
Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was aware when I was up here last Court.
Q Are you summoned here as a witness this time? A Yes, sir.
Q Were you summoned when you testified before whom I represented the Nation in part? A Yes, sir.
Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.
Q You remember the other two members of that Court. A I don't recollect them.

Taking of testimony continued by stenographer J. C. Reason.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 16th day of October, 1901.

(Signed) T. B. Needles.

Commissioner.

Continuation of taking of testimony in case of ABRAHAM WARD, C.D.B.-2007.

Further portion taken by Stenographer Bruce S. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.
Q Age? A 68: Vinita.
Q Mr. Bell, when was this railroad, M. K. & T. Railroad, built through this country? A '71.
Q When was that first Cherokee payment made after the war? A '75.
Q Do you know whether colored people and all participated in that payment or not? A Yes, every Cherokee citizen, and whole lot that wasn't.
Q There was a general payment-? A Yes, that was general payment intended for relief fund for all people living in the Cherokee Nation.

MR. MELLETTE: Did any colored people get pay at that time? A Yes, 2 I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.
Q Are you the Abraham Ward who is an applicant for enrollment as a CherokeeFreedmen? A Yes, sir.
Q Did you know J. L. Ward who has just testified in this case? A Yes, sir, I knew him.
Q Did you ever make a statement as testified to by him, that you came here too late to become a citizen? A No, sir, I did not.
Q Did you make statement, as testified to by him, that you came back in '68? A Some sir.
Q Did you hear the testimony of John Ward, the last witness? A No, sir.
Q Did you hear his testimony? A I heard it, yes, sir.
Q Did you hear a statement of yourself, mother or sister to him? A Yes, sir.
Q Where is that sister? A She is dead.
Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward after the war? A I saw him when the Cherokees drawed that general payment, what they called brand money.
Q What year was that? A I don't remember just what year it was.
Q Well, that is strange? A It was in '70 though I think.
Q Where did you see him? A '69 or '8; saw him right here at Vinita.
Q '69 or '8? A Yes, sir.
Q Along there; saw him here at Vinita? A Yes, sir.
Q You didn't talk to him? A Yes, sir, we was talking about our boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I had been.
Q He was your young master? A Yes, sir, we and him was about one age.

This testimony will be made part of the record in cases D-[illegible], D-[illegible], D-[illegible],

Q Do you know a colored man by the name of Peter Ward and Abraham Ward? A Yes, sir.
Q When did you first see them after the war? A To the best of my recollection I saw them in '68 in Kansas near Mound City.
Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.
Q Who did you go with? A Jess Brown and Jess Marcum, and there I saw old uncle Peter Ward and Abe and Berry, there was younger ones but they were smaller, I got acquainted with them three.
Q Were they living there at the time? A Yes, sir, they were living there.
Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City; Mound City, so well as I can recollect must be about 40 or 50 miles of Ottawa, Kansas.
Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.
Q Summer time? A Yes.
Q Well about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when he first went there, we had to wait on account of some papers wasn't fixed up right, and we had to stay there, I would not say positively how long it was.
Q Was you at Peter Ward's house? A I can't say positively; you see there was a whole bunch of them lived around there, and I went to several of the houses around there and them they had preaching there while I was there and I went to church and seen them; they all found that I was an Indian and they come in to see me and talk to me.
Q You were with these colored men, two colored men? A Yes, sir, I was with Jess, his mother was living there and his brother was there.
Q His mother and brother? A Yes, sir, mother and brother.
Q Did you see Abraham Ward? A Yes, sir, yes, sir.
Q You remember distinctly seeing him? A Yes, I remember him very well.
Q Well now did you meet anybody after you came back home? after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?
Q Yes, if anyone? A No, I left them over ther, they never come back.
Q Did you meet any of the Crouches? A Yes, sir, Sam Crouch and Pete Crouch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.
Q How how many Wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter he called him, and Berry and Squire, not Squire, Abraham, them three I remember.
Q There was others, but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do those other men, I knew them after I left them [illegible] after they came back I knew who they were.
Q Did they say anything about having been back down here after [illegible]

that, they told me they were coming back just as quick as they could come, everyone I seen was talking about coming back.
Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.
Q Where were you in '67? A We were there in '67.
Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.
Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these Wards up there in Kansas at church? A Yes, sir.
Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.
Q You didn't lose your citizenship by going up there to Kansas? A Didn't lose my citizenship, no, sir.
Q How long did you stay there you say? A I don't remember, might have been there two, three or four weeks.
Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.
Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.
Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.
Q Where did you have to go to get his money? A Went to Ottawa, Kansas.
Q How far is that from here? A I don't remember how far it is.
Q About how far? A Oh, it is a long ways.
Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.
Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.
Q What did you stay there for? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa we went on.
Q You saw three Wards up there? A Yes, sir, I remember the three.
Q You don't remember how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up there in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freedmen cases D-608, D-610, D-611, D-613, D-624, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-696.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 31st of October, 1901.
(Signed) C. R. Breckinridge
Commissioner.

File with Abraham Ward et al, C.F.D.607.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 15,1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C.F.D.#606.

Appearances:
James S. Davenport for the Cherokee Nation;
Mellette & Smith for the applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Davenport)
Q What is your name? A T. F. Thompson.
Q Where do you live? A 3 miles south of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson?
A Yes, sir.
Q Did you know him before the war? A Yes, sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '66, in October.
Q Did this applicant go with your family? A He never was with us during the war.
Q When your family returned to the Cherokee Nation, where did they locate? A On Grand River, 12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No, sir.
Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q About what year was it? A As well as I can remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand River? A No, sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A No, sir.
Q Where was he living at that time? A On Big Creek, he told me.
Q Did he say them that he had been living on Grand River at the old place? AA No, sir.
Q You had always lived on the old place since your return?
A Yes, sir.
Q Same place you lived on prior to the breaking out of the war? A Yes, sir.
Q Had the applicant been there after the war---to your ~~place~~ house? A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes, sir.
Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.

(By Smith)
Q What was your father's name? A Johnson Thompson.
Q Is he a Cherokee? A Yes, sir.

Q By blood? A Yes, sir.
Q A recognized citizen of the Cherokee Nation? A Yes, sir.
Q Did he own Daniel Thompson before the war? A Yes, sir.
Q Was Daniel Thompson with your father when the war commenced?
A Yes, sir.
Q What time did you get back here after the war? A October, '66.
Q You came to what place? A Our old place.
Q How far from where Vinita now is? A 12 or 15 miles.
Q How old were you then? A 15 years old.
Q Just a boy? A Yes, sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there-- I went to school one or two sessions at Pea Ridge, Ark.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71?
A Yes, sir.
Q You don't know how long he had then been in the Cherokee Nation? A No, sir.
Q You don't know where he was during the war? A No, sir.

(By Davenport)
Q When were you at school? A In '67 in the fall.
Q You was at home then from '66 to the fall of '67? A Yes, sir.
Q You never saw the applicant there then? A No, sir.
Q Never heard of him being there did you?

MR. SMITH: I object to him stating what he might have heard.

(By Mr. Smith of witness)
Q All you know is that you ever saw this applicant until in '71 or '2? A Yes, sir.
Q Before that time you don't know where he was? A No, sir.

DAVID STINGER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A David Stinger.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big Creek, in the Cherokee Nation? A About 26 years.
Q Do you know the applicant here, Daniel Thompson? A Yes, sir.
Q How long have you known him? A Since '72.
Q Where did you first see him? A I saw him in the Indian Territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes, sir.
[redacted]
Q What was that conversation? A He told me that he used to live here and was raised here, and that he went to Kansas, and thought he would come back because he was raised here-- thought he would come back home as he called it.
Q Did he have a family with him then? A Yes, sir.
Q What year was that? A I think in '72.

Q What improvements has he made there? A Nothing, he was just in a wagon there.
Q Did he say when he had gone to Kansas? A No, I don't know anything about that.
Q Was anything else said about his having been in the Cherokee nation before that? A I don't think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him? A Yes, sir.
Q Did he afterwards make a claim there? A Yes, sir.
Q There has he been living since? A Right there all the time.
Q What year was this you say he came there? A '72.

(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee nation? A Yes, sir.
Q How long had you been there in '72? A I came there in '71.
Q There from? A Peoria, Illinois.
Q Had you ever been in the Cherokee nation prior to '71?
A No, sir.
Q You don't know where this man, Daniel Thompson, was in 1870? A No, I don't know that?
Q You don't know where he was in '69? A No, sir.
Q Or '68? A No, sir.
Q Or '67? A No, sir.
Q Or '66? A No, sir.
Q Or '65? A No, sir.
Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned them from Kansas.
Q You don't know whether he had been here before that or not?
A No, sir, he said he was owned here before the war.
Q You don't know when he first came here after the war? A No, sir, only that time.
Q He might have been here before that and you not know it?
A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)
Q Was he living there when you came there in '71? A No, sir.
Q He said he came from Kansas when you saw him there? A Yes, sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A William Noble.
Q Where do you live? A On Big Creek, Indian Territory.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble?
A I think I came to the Cherokee nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever since the fall of '64, I think I went there then or in the spring of '65.
Q Do you know the applicant here, Daniel Thompson? A Yes, sir.
Q How long have you known him? A [redacted] God only knows, I can't say exactly how long, I think he moved in there on Big Creek right close to me, I think he came from Kansas there

in the fall of '72, and he has lived there ever since.
Q Did he settle a place there when he came down? A Yes, sir.
Q How far from you? A Two and a half miles.
Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.
Q Did he have his family with him? A Yes, sir.
Q Children? A Wife and three children.
Q Did you have any conversation with him? A Yes, sir, he told me he had just moved in from Kansas.
Q Did he tell you that he was a slave here before the war?
A Yes, sir, not right then, but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith.)
Q When did you first come to the Cherokee Nation after the war? A In '66.
Q Were you in the army? A Yes, sir.
Q When were you discharged from the army? A I was discharged, I think it was in '65.
Q In what? A '65.
Q Were you discharged before the war closed? A No, sir.
Q But you think it was '65 that you were discharged? A I believe it was.
Q In '64 maybe? A Somewhere along there.
Q Somewhere in '64 or '5? A Yes, sir.
Q You testified Saturday last in the Josh Vann case didn't you? A Yes, sir.
Q Didn't you say then that you were discharged in the year '65 from the army? A I don't think I did, I think I said I didn't know exactly.
Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army?
A Yes, sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '65.
Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.
Q When did the war close, what year? A I think it was in '64, wasn't it.
Q When did it commence? A You are just a little ahead of me when it commenced, I don't recollect it.
Q You were not discharged from the army until it was over were you? A No, sir, I was discharged twice, the last time the war was over.
Q What did they discharge you for the first time? A Three years service.
Q Then you went back the second time? A Yes, sir.
Q How long did you stay then? A Two years.
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you came to the Cherokee nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of '66.
Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes, sir.
Q And you are certain you were discharged from the army after the war was over? A Yes, sir.

Q And you got here in '68? A Yes, sir.
Q Now, how did you do that? A I went from Louisville, Kentucky where I was discharged to Iowa, and from Iowa to Kansas, and from Kansas here.
Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.
Q You don,t know how long he had been here before that? A No, sir.
Q You don,t know when he came? A No, sir, except when he came to Bog Creek.

(By Davenport)
Q You don't know when the war began? A No, sir.
Q Nor when it closed? A No, sir.
Q Had Dave Stinger come to your place before Daniel Thompson came on Bog Creek? A Yes, sir.

(By Smith)
Q Where did you go after you were discharged? A Iowa.
Q Where did you go then? A Kansas.
Q Where did you stop in Kansas? A Neosho River, between the mouth of Cherry and Fly Creeks on a Creek called Short Creek.
A Did you have any trouble up at Chetopa? A No, sir.
Q Were you ever arrested in Kansas? A No, sir.
Q Do you remember a man named Gage in Chetopa? A I don,t remember, I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No, sir.
Q Didn't he have you arrested? A I don't think so.
Q Don't you know? A I know I wasn't arrested there.
Q Have you ever been arrested at all? A Yes, sir.
Q Where? A In the Cherokee Nation.
Q What for? A Cattle stealing.

(By Davenport)
Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)
Q Are you a citizen of the Cherokee Nation? A Yes, sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C.P.D. cases D-625 and D-693 and their subreferences.

Chas. von Weise, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this 17th of October, 1901.

(Signed) T. B. Needles,

Commissioner.

File with Abraham Ward et al, C.F.D. 607.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

In the matter of the application of Abraham Ward et al, C.F.D. #607.

SUPPLEMENTAL TESTIMONY

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

By Mr. Hastings: I desire to file a certificate from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will received the further consideration of the Commission.

(COPY)

State of Kansas:
: ss.
County of Linn :

I, J. A. Cady, County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one Female dog." Said entry is on page 78 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A.D. 1901.

(Signed) J. A. Cady
(SEAL) County Clerk of Linn County, Kansas.

By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all cross-references thereto as found upon the records of this Commission.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this 9th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

Supl. C.P.E. #607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of the applicants:

APPEARANCES:
Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.
Q How old are you? A I am 80 years old.
Q Are you a colored man? A Colored man?
Q Yes? A Yes, sir.
Q Where do you live? A I live in Mound City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '54.
Q In what time in '64, in what season? A Well, I got up there September 12th.
Q To what place now do you refer? A Mound City.
Q What is your business, what do you do? A Well, I have done a good many things for a living, but I was employed by the Second Baptist Church there; that is in '65, in the month of May I took charge of the Second Baptist Church there.
Q In what year? A In '65 in May.
Q Well, in what way did you take charge of it; what did you do?
A I preached the best I knew how.
Q You are a preacher, are you? A Yes, sir.
Q Well, did you know Peter Ward there? A Yes, sir, I knew him.
Q When did you first get acquainted with Peter Ward? A I was slightly acquainted with him down in Arkansas.
Q When did you first get acquainted with Peter Ward? A We was slightly acquainted, as I stated, down in Arkansas; no, I will take that back if you will please, I got little kinda off, I can't keep memory like I used to.
Q Just tell us when you got acquainted with him? A We was slightly acquainted in the old territory;wasn't that right;was it.

Q Just step now and tell us when you first know Peter Ward? A Well, I was correct after all.
Q Ever know Peter Ward in Kansas? A Yes, sir.
Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there; that was in '64.
Q About how long did you know him there in Kansas? A Oh, I knew him all the while; while he was there until he come away.
Q Well, about how long was that? A Oh, I guess not over a year after I got up there; that is as long as we lived together. Walk, if you will let me state it.
Q Go ahead now? A Well, the way this come up; how I got so well acquainted with him was there as I told you, the church got me, employed me for a preacher and he was then a member of that organization and was a deacon in that church and you recollect we had our monthly meetings to transact our business there once a month and of course we had a great deal of business together; that is the way I became so well acquainted with him. We was both members of the same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that was the last time he transacted business with us.
Q The last time that he transacted business with you in the church? A Yes, sir.
Q What did you do then? A We elected another deacon in his place.
Q What business was it you transacted on the 17th day of June,'66? A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.
Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.
Q But why did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had our church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the second Sunday on account of the other organization I had joined.
Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.
Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more---oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.
Q What Peter Ward? A Why Peter Ward that's dead, I know.
Q Just Peter Ward? A Yes, sir.
Q Did you ever see more than one Peter Ward in your life? A No, sir.
Q You saw one in Arkansas? A That is the same one.
Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not? A I don't know whether they all went away at the same time or not; I know they all left.
Q All left eventually? A I would not swear that.
Q Have you been living there at Mound City [redacted], Kansas, continually since that time? A Yes, sir.
Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?
Q I am asking you if you know? A Oh, no, I don't know.
Q What boys do you know? A I know some of the older ones.
Q What is one of the older one's name? A There was Berry and Abraham and Squire, I knew them all, and he had one named Ben and he had one I won't be positive, but I tell you I knew them, and another one was.
Q That is the last time you saw Peter in the church? A Yes, sir.
Q You have been custodian of the church books ever since that time? A No, no, we had Clerks.
Q Have you been pastor in charge of that church ever since 1866?
A No, sir.
Q Have you lived in Mound City all the time since that time?
A Yes, sir.
Q Who do you know there? A I know quite a number of folks.
Q Do you know J. B. Brown , up there? A What J. B. Brown?
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or an Indian? A I knew Mr. Ward.
Q Well, do you know B. B. Osborn? A Buy Osborn; I knew him. He lives there in Mound City.
Q Well, do you know C. W. Kingsbury? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well acquainted with him enough to know him when I see his face, but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q Who made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
Q Well, you don't know where Ward went after he left there?
A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time that Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after

that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory?
A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he came right straight to the Territory because I never saw him any more; if he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them back-slide? A I could not tell you much about that, because we always had some little back-slidingin the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey Creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such a stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.
Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I came too late.
COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he came to the Territory and I believe that with all my soul.
MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he came, but I didn't meet him after he come here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my name on the Wallace roll after he came.
(Application is continued until the witness can send and get the book to which he has been referring.)
Q In giving your testimony a while ago when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-606.

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) J.O.Rosson.
Subscribed and sworn to before me this November 5th, 1901.
(Signed) T.B.Needles,
Commissioner.

File with Cherokee Freedmen, D-667, Abraham Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 30, 1901.

In the matter of the application of Abraham Ward et al, for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee nation.

Appearances:
Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. R. Wayne.
Q What is your postoffice? A Mound City, Lynn County, Kansas.
Q What is your age? A I am 58 years old.
Q Were you in Lynn County, Kansas, during and the years immediately after the war? A Yes, sir.
Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.
Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.
Q When? A In 1866.
Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.
Q Do you know where he moved , if at all, in '66? A He moved to the farm of Amos Durden, and some call it the C. W. Kingsbury place now.
Q Is Kingsbury his grandson? A Of Durden's, yes, sir.
Q How long did he continue to live on the Durden farm, A 3 years.
Q How by what do you fix that? A The first time that I saw him I knew where I was working breaking gm prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I know it was in '66, I knew where I was living at that time.
Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, that me and him had a transaction whereby I paid him $8.80.
Q Peter Ward? A Yes, sir, the second day of March.
Q Of what year? A 1869.
Q Where was he living at that time? A He was living on the farm of Amos Durden.
Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton but we all called him Clint, and George; I believe that is all that I can bring to mind now at the present time.
Q Have one by the name of Berry? A Yes, sir, I think Berry was the second boy.
Q Was there one named Squire Ward? A Yes, sir, I think there was.
Q You recollect it now? A Yes, sir, Squire Ward.

Q There were these children living between the years of '66, when you first knew the father, and '69? A They were living with their father; the boys of course would work around first one place and then another, wherever they could find work, but there is where they made their home, with their father.
Q Have you seen them since that time, '69? A No, sir, I haven't.
Q Do you know whether you would know them or not now? A No, sir, haven't met them as often as them that I gave in this other case.
Q Do you know that one over there (indicating Abraham Ward)? A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '69? A No, sir.
Q How far did you live from them any in '69, from the Durham farm? A About a mile and three quarters.
Q Well now did you live that from '66 to '69 from them? A No, sir, in '66 I was living farther off.
Q Well when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.
Q Well were you as near in '67 as you were in '69? A Same place.
Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.
Q And you remained on the same place from '67 to '69? A Yes, sir.
Q Now during that time, from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.
Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.
Q Did you see them in the country any place? A Oh, yes, I have seen them around.
Q You mean by that, that that is the only time you ever had any personal business transaction with them? A Yes, sir, yes, sir, that is what I mean, personal business transaction.

Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.
Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.
Q You have been there in that country ever since '66? A I had been there since '56.
Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May, '56, and it was '66 when I first recollect getting acquainted with them to know them.
Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it out.
Q Well, did your foot get well? A Well, it isn't off, I suppose it is did.
Q Well that has been how long ago? A Well '66; that has been 15 years ago.

Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?
Q Yes? A Well, it was in March '69, that I had the transaction with him.
Q That had nothing to do, however, with the time you first met him? A No, sir, not to my knowledge, no, sir, just came then from them in passing around.
Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.
Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together, one had nothing to do with the other, did it? A No, sir.
Q Well then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just told you the occasion, shootplowing and going up there.
Q I know, but you did a great many thing in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.
Q What first brought this incident to your mind, that is that I am talking about? A What first brought it to my mind?
Q Yes, or recalled this thing your are talking about, in '66? A Well, I was asked if I knew a man by the name of Peter Ward.
Q When? A Well, I think it was pretty near four weeks ago.
Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.
Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, You had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.
Q How for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.
Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.
Q Now that has been a long time ago, hasn't it? A Yes, sir.
Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.
Q Do you think you can't possibly be mistaken about the date? A I know I can't be mistaken in regard to the date of the year.
Q You know that? A Yes, sir.
Q Well, now Mr. Wagner, where is your record? A In my pocket in a book.
Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1868, it goes on down to there, (indicating on book) is Peter Ward, $2.50; it goes on down to here, to May, '68, $108.64; I spent during that time $108.64.

Q Then did you commence to keep this book? A Well I think that book came into my possession in 1868, along in the winter of '68.
Q Then did you quit making entries in it? A In regard to my expenses?
Q No, entries at all? A Well, I think probably it was away along in the seventies somewhere, might maybe have been as late as '76, toward the back there in regard to some Sabbath School Records I think and in that fore part there is some few pages that was in '68, some transactions, and some probably in the seventies somewhere.
Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there?
A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 9, 11, 12, 13, etc: There was no occasion for it in keeping the record.
Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Bronson, a colored man, 25¢; no, it is stamps, 15¢.
Q You are sure that that is stamps? A No, sods, 15¢.
Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is sods instead of stamps; here is stamps below here.
Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.
Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.
Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it? A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.
Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I notice till they get way down there, they are about the same.
Q Now then you see that there is a part of the Peter that you can read better than the other part? A ~~Examination~~ Well that there appears to be a little bit plainer.
Q Can you see any e in that Peter? A Yes, sir.
Q There is it? A Right after the t.
Q Iryou didn't know what it was, could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.
Q Now why, Mr. Wayne, is that work Peter Ward, blurred? as it appears upon the record? A I can't tell you any more than here; not a bit.
Q You don't know? A No, sir.
Q Did you write the work potatoes on the second page? A Yes, sir.
Q Did you make that P? A Yes, sir.
Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two crooks on that, and you will probably find the P somewhere.
Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen? A Yes, sir.
Q Now that P in potatoes is made that way, isn't it?
A No, I don't make a p but very seldom, sometimes I make a p by running down and then back, and sometimes then I make a p by making a straight mark and going around that way (indicating);

I make a's two or three different ways.
Q Now Mr. Wayne, the word Peter there in this book is blurred?
A Yes, sir.
Q It is indistinct? A No, sir, not to mind it is not.
Q But as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than the e-t-e-r.
Q Will do you state that that is as clear as the entries below? A No, sir, I can it is not, it is the same as some that would be over here or some other place.
Q How you didn't use this book since eighteen and what?
A Oh, I have probably referred to it for some records in regard to an orchard that I got out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.
Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.
Q Did you remember, when you were interrogated as to the time when you had any business transactions with Peter Ward, without reference to that book? A No, sir.
Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.
Q If the record is wrong you are wrong? A Yes, sir.
Q Can you tell me who made the blur or erasure, if it is an erasure, upon that blank line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the court pleases, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.
Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.
Q If you are willing, we would like to keep it a while in this case, and the Commission will return it to you afterwards?
A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made? Was it made at the time it purports to have been made? A Yes, sir, I tried to put them down the night in which they were made.
Q Mr. Wayne, now the page before, or the second page before this entry of Peter Ward, I notice this date; (reading) January 2, 1869; is that correct? A Yes, sir.
Q Following that are a great many entries and only the month and the day; is that intended to be that year?
A Yes, sir, everything down to May, '69; it tells the date on the opposite page.
Q Opposite page to where you summed it up?
A Yes, sir, to where I summed it up here, it is three pages over.
Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '69? A It does, yes, sir.
Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.
Q Has it ever been erased or mutilated other than by wear?
A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never entitled that book of Peter Ward or erased it?
A No, sir, I wouldn't have any occasion to.
Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.
Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case of Bar, and [illegible] D-613, D-435, D-615, D-616, D-618, D-619, D-621, D-622, D-625, D-626, and D-628.

Bruce C. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 13th of November, 1901.

(Signed) M. D. Green,

(SEAL.) Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above case.

Mabel A. Maxwell.

Subscribed and sworn to before me this 8th day of August, 1908.

Bruce C Jones
Notary Public.

FILED
OCT 10 1908

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1903.

In the matter of the application of Lena Ward for the enrollment of herself and child as Cherokee freedmen.

Applicants represented by Willette & Cobb, Vinita, I. T.

The child Lena Ward, being first duly sworn, testified as follows:

EXAMINER: What is your name? A Lena Ward.
Q How old are you? A 18.
Q What's your postoffice address? A Vinita, Indian Territory.
Q What district are you living in? A I don't know, sir.
Q Do you apply for enrollment as a Cherokee freedman? A Yes, sir.
Q What was the name of your father? A Ben Ward.
Q Is he living or dead? A He is living.
Q What's the name of your mother? A Sarah Redmon.
Q Is she living? A Yes, sir.
Q Your father and mother both Cherokee freedmen? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir, always.
Q Were you born here? A Yes, sir, born right here.
Q Have you ever been outside of the Nation for any purpose? A No, sir.
Q Have you ever been recognized as a freedman; have you drawn money? A Yes, sir, I drawed money twice.

K. S. Mill, page 158, No. 3131, Lena Ward, Tennessee-town District.
Wallace Mill, page 151, No. 3134, Lena Ward, Tennessee-town District.

Q Have you any children for whom you make application? A Yes, sir, I have got one little girl.
Q What's the name of that child? A Bessie.
Q Bessie Ward? A No, sir, Bessie Redmon.
Q How old is she? A She will be three years old in June.
Q Is she living? A Yes, sir.
Q Is that the only child for whom you make application? A Yes, sir, that's the only one.
EXAMINER: Was you your grandfather? A Peter Ward.
Q Where does he live? A On Big Creek.
Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation.
Q And what kin are you to Epsalm Ward? A He is my uncle.
Q And you are a daughter of Abraham Ward? A Ben Ward.
Q What kin are you to Abraham Ward? A He is my uncle.
Q What's his wife's name, or how he got one? A He hasn't any wife.
Q Who is Artis Ward? A That's a first cousin of mine.
Q Whose son is Artis? A Abraham Ward.
The applicant asks for a reference of the testimony of Abraham Ward, Artis.
EXAMINER: Where were you born? A Right on Big Creek in the Cherokee Nation.
Q Where were you married? A In the Cherokee Nation.
Q When? A Well, got the license in Vinita.
Q Where were you married? A On Big Creek.
Q Who married you? A Let's see, I have to study about that now, Abraham Ward.
Q Where do you live now? A I lives on Big Creek.
Q Why didn't you apply to the commission when they was up at Chelsea and Tahlequah? A Well I was sick along then.
Q All that time? A Yes, sir, well I wasn't sick when they was at

[illegible]

Q Were you ever heard out in Lenora? A No, sir, I have never been out in Lenora [illegible] I was not even allowed back.

Q Are the statements of this child? A Yes, Wash.

[illegible] Are you married, now? A No, sir, I am [illegible]

Q Are living with your husband? A No, sir.

Q What was your husband's name? A [illegible]

Q Do you want to be enrolled under his name or under your own name? A By our name.

Lena Ward applies for the enrollment of herself and her child, Nancy Keegan, as Cherokee Freedmen. The applicant is duly identified on the Kerns-Clifton roll of Cherokee Freedmen and the Wallace roll of Cherokee Freedmen. She avers that she is the child of Dan and Sarah Ward, and that she is a niece of Abraham Ward, who has been listed for enrollment as a Cherokee Freedman on Cherokee Freedmen roll card field No. D-697. It is directed that a copy of all the testimony had in the matter of the application of her uncle, Abraham Ward, be filed with and made a part of the record in this case. Final judgment in this application which Lena Ward makes for the enrollment of herself and child will be suspended and their names will be placed on a doubtful card, pending further consideration by the Commission.

Arthur S. Brundidge, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes; he reported in full the testimony and proceedings in the above cause, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur S. Brundidge

Subscribed and sworn to before me this 7th day of July, 1902.

(Seal)

[illegible]
Notary Public.

~~44~~ 1335

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation.

Approved July 11 1902.

Commissioner.

1335

IN RE

Application for Enrollment of

INFANT CHILD

Nellie Lucas.

as a citizen of

Cherokee Nation.

Approved July 11 1902.

Commissioner.

RECEIVED IN THE OFFICE OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
JUL 14 1902

BIRTH AFFIDAVIT. 57

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Rose Beeson (Here insert name of child.), born on the 17 day of June, 1899.

Name of Father: William Beeson a citizen of the Cherokee Nation.

Name of Mother: Lena Ward a citizen of the Cherokee Nation.

Post-office Vinita, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY Northern District.

I, Lena Ward, on oath state that I am 21 years of age and a citizen, by Adoption, of the Cherokee Nation; that I ~~am~~ was the lawful wife of William Beeson, who is a citizen, by Adoption, of the Cherokee Nation; that a female (male or female) child was born to me on 17 day of June 1899; that said child has been named Rose Beeson, and is now living.

Lena Ward

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 15 day of July 1902.

Louis D. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY Northern District,

I, Mintie Nash, a midwife, on oath state that I attended on Mrs. Lena Ward, former, wife of William Beeson on the 17 day of June, 1899, that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Rose Beeson.

Mintie Nash

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 15 day of July 1902.

Louis D. Brown
NOTARY PUBLIC

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peter Hudson and others, identified by the application of

Peter Hudson,	Cherokee Freedman	D		604
William Hudson, et al.,	"	"	D	605
Peter Ward, et al.,	"	"	D	613
Abraham Ward, et al.,	"	"	D	607
Ben Ward, et al.,	"	"	D	614
Squire Ward, et al.,	"	"	D	615
Sadie Ward,	"	"	D565	
David Ward,	"	"	D	619
George Ward,	"	"	D	626
Alonzo Ward, et al.,	"	"	D	606
Will Ward, et al.,	"	"	D	610
Berry Ward,	"	"	D	611
Lena Ward, et al.,	"	"	D	1117
Malinda Williams, et al.,	"	"	D	618

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Mary and Minora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Rexie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al., is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Rexie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Minora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Robert Hudson, Lewd Hudson, Wilburn Hudson, Ida Hudson, Harry Hudson, Thomas Ward, Vinnie Ward, Martha Ward, Clarence Ward, Opal Ward, Myrtle Ward, Lena Ward and Rosa Locum should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Peter Ward, Milan Ward, Angus Ward, Wm. Ward, Abraham Ward, Arvad Ward, Sam Ward, Robert Ward, Joseph Ward, Jennie Ward, Eliza Ward, Emily Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ora Ward, Minora Ward, Will Ward, Grover Ward, Frances Ward, Barry Ward, Melinda Williams, Monroe Williams and Dolois Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T.B. Needles.
Commissioner.

(SIGNED) C.R. Breckinridge.
Commissioner.

(SIGNED) W.A. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this JUN 10 1903

COPY.

Cherokee Freedmen
D-684, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated cases of Peter McKeen, et al., granting the applications for the enrollment of Peter, William, Emmett, Loyd, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lewis Ward and Rexie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Ben, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Mary, Elnora, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Dolcie Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. M-8.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-1117

Muskogee, Indian Territory, August 24, 1903

Lena Ward,

Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your minor child, Roxie Beeson, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-136
Register.

COPY.

Cherokee Freedmen
D-[illegible] et al.

[illegible], Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lenna Ward and Rexie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artee, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Dora, Elnora, Will, Grazie, Frances and Barry Ward, Malinda, Monroe and Dalsie Williams as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-138

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1905.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Dora, Elnora, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Malvie Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

Note known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Neelis.

Commissioner in Charge.

Enc. D-149
Register.

Refer in reply to the following:
Land.
22270-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, April 15, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Ezra, and Elnora Ward and for his wife, Manala, as an unmarried freedman; Will Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself

Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Beleis Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Makala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward . It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through

his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866 . The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons mentioned in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter

Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that in June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie, and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mayes, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitmires." From the record the

minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward . He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonzo Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonzo Ward and his children, Savannah, Ezra, and Elnora, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is"a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the

granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Roxie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-D

D C 14391-1904. COPY WCF

I.T.D. 3254-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. FHE

April 29, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elnora, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-696 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Ronie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Alma, Sadie, David, George, Will, Ormie, Frances, Perry, Peter, Louisa, Eva, Abraham, Artee, Alonzo, Savannah, Mara and Elnora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 28, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-CFA.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vennie, Martha, Clarence, Neal, Myrtle and Lena Ward and Annie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artee, Alcane, Savannah, Kara and Elmera Ward, Malinda, Monroe and Delvis Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-1117.

Muskogee, Indian Territory, May 11, 1904.

Lena Ward,

Wimer Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, granting, among others, your application for the enrollment of yourself and Roxie Beeson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 20, 1904.

Respectfully,

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I..T., May 20, 1903.

In the matter of the application of Johnson Vann, Jr., for the enrollment of himself, his wife, Mandy Vann, and his three children as Cherokee Freedmen: he being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

Q Give me your full name. A Johnson Vann, Jr.
Q Who is it you want to have put on the roll? A Myself, wife and three children.
Q How old are you? A About 35 years old.
Q What is your postoffice? A Chouteau.
Q In what district do you live? A Goowesscoowee.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father. A Johnson Vann.
Q Is your father dead? A No sir, he is living.
Q Give me the name of your mother. A Delilah Vann.
Q Is your mother alive? A No sir, she is dead.
Q How long has she been dead? A Well, I don't know she has been dead several years.
Q Give me the name of your wife? A Her name was Mandy Ridge before I married her.
Q Her name is Mandy Vann now? A Yes sir.
Q How old is your wife? A She is about 31.
Q When did you marry her? A I married just about the time - well just a little before they had to get out a United States license.
Q How long ago has that been? A Going on four years.
Q Have you got a certificate of marriage? A I got out a license.
Q Have you got it with you? A No sir.
Q Were you ever married except to this wife? A Yes sir.
Q How many times? A Once.
Q Was that wife dead when you married this woman? A No sir.
Q Your first wife wasn't dead? A No sir, she had a living husband and they said it wasn't lawful and we separated.
Q Is your present wife a Cherokee Freedman? A Yes sir.
Q Is she a recognized Freedman of the Cherokee Nation, your present wife? A I guess so.
Q Is she on all the rolls? A No sir.
Q Was she ever married except to you, this wife? A No sir.
Q You were never married but once before you married this woman? A Just once.
Q Give me the name of the father of your present wife? A Neal Ridge.
Q Is he alive? A Yes sir.
Q Give me the name of her mother. A Laura.
Q Is she alive? A Yes sir.
Q Is Neal Ridge a Cherokee Freedman? A Yes sir.
Q Is Laura Ridge a Cherokee Freedman? A No sir.
Q Give me the names of your children. A Emily Vann.
Q How old is that child? A Four years old.
Q Is that the child of your present wife? A Yes sir.
Q Give me the name of your next child? A Fanny Vann.
Q How old is that child? A Two years old.
Q Give me the name of the next child? A Herbert Vann.
Q How old is that child? A One year old in February.
Q Are these children all living now? A Yes sir.
Q Is there anybody here who knows that you and your wife are living together as husband and wife? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 196, No. 3128, Johnson Vann, Jr., Goowesscoowee Dist.
The 1880 census roll examined and the name of the applicant is found on page 424, No. 846, Johnso Vann, Jr., Goowesscoowee District.

S- J. V. Jr.

The 1880 authenticated roll and the 1896 census roll examined for the name of the applicant's wife and her name cannot be identified thereon.

Q Did your wife draw strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant's wife is found on page 157, No. 3878, Amanda Ridge, Coowescoowee District.

Cornelius Ridge, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:
Q Give me your full name. A Cornelius Ridge.
Q How old are you? A I am about 48 or 9.
Q What is your postoffice? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A Well, I have lived here about 28 years, I guess.
Q Do you know this applicant here? A Yes sir.
Q Do you know his wife? A Yes sir.
Q Is she your daughter? A Yes sir.
Q What is her name? A Mandy Ellis.
Q About how long has she been married to this man? A Well sir, I don't know exactly. I presume about four or five years.
Q How many children have they? A They have three children.
Q These children all born since their marriage? A No sir, two of them since their marriage.
Q The oldest one was born before their marriage? A Before.
Q Have you applied yet for enrollment? A No sir.
Q Did you draw Cherokee strip money? A Yes sir.
Q Did you know this man long before his marriage? A Yes sir, quite a while.
Q He was married once before he married your daughter, wasn't he? A Yes sir, I think he was. I wasn't at his marriage, but then he lived with a woman.
Q They parted did they? A Yes sir.
Q Do you know anything about why they parted? A No sir, I do not.
Q All you know is that they parted? A Yes sir.
Q Now, this oldest child, Early Vann, is that the child of your daughter, Mandy? A Yes sir, that is her child.
Commissioner of Applicant: Is this child, Early Vann, your child? A No sir.
Q You don't make any claim for that child as your child? A No sir, only adopted; I have raised him ever since he was nine months old.
Q Your wife was never married to the father of that child? A No sir.
Q What was the name of your first wife? A Rose Flatrock, and some called her Alberty.
Q What was her name when you married her? A Rose Flatrock, and some called her Rose Alberty.
Q You have no children of that marriage, have you? A No sir.
Q How long did you and that woman, Rose, live together? A I guess about a little over a year or something like that.
Q And then you parted? A Yes sir.
Q Were you married to her by a preacher? A Yes sir.
Q Did you get a divorce? A No sir.
Q She had been married before to a man named Flatrock? A Yes sir.
Q Give me the full name of that man? A They called him Jim Flatrock and some called him Jim Alberty.

The applicant applies for the enrollment of himself, his wife, and three children, one of whom is found to be a stepchild. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee Freedman. His wife is identified on the Kerns Clifton Roll, and it is shown by the testimony of the applicant, and by that of his wife's father, that they were married some four years ago, and that she was never

previously married. It appears, however, that the applicant was once previously married, and he states that it was found that his first wife had been lawfully married to another man, and they separated, but he did not procure a decree of divorce from that wife. It is desired to consider the effect of this feature with respect to the legality of the second marriage, and also the fact that the marriage between the applicant and his wife was only consummated some four years ago, which latter fact, as well as the first, would under the present consideration effect her right to enrollment by intermarriage. It further appears that a right [redacted] is claimed for her as a Cherokee Freedman of her own right. This is not gone into fully at the present time, but any right she has of the latter character must be derived through her father, Neal Ridge, and her mother Laura Ridge whose cases have not yet been taken, and testimony from those cases when they are taken will be filed with this case. Under the conditions stated, the applicant's wife, Mandy Vann, will now be listed for enrollment as a Cherokee Freedman on a doubtful card. She is not identified on the roll of 1880, or upon the roll of 1896, nor is her father or mother identified on the roll of 1880. The eldest of the three children, Early Vann, is found to be the applicant's stepchild. This is a child of his wife, born before their marriage, and he states that he isnnot the father of that child. This child, therefore, can possess no rights except such as may be possessed by his mother as a Cherokee Freedman of her own right as distinguished from any right acquired by marriage. It is not developed that the father and mother of Early Vann were ever married. It is desired that the Commission be supplied with a proper certificate of birth of the child, Early Vann, and this child will be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of its mother's rights as just indicated. The two children of the applicant's present marriage, Pansy and Herbert Vann, are too young to be upon any roll. When the Commission is supplied with proper certificates of their births, these being children of the present marriage, they will be listed for enrollment as Cherokee Freedman on a doubtful card to await the determination of the legality of the marriage between their father and mother, or the right of the mother independently of any marriage. The final decision of these doubtfulcases will be made known to the applicant at his postoffice address.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. E. Rutledge

Subscribed and sworn to before me this 18th day of May, 1901.

Commissioner

B. F. D. 3 ord.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 15 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 13-1901

Post Office Chelsea I.T.

District Coo.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 W. Name of wife Handy Vann Age 21

Owner's name ..... Citizenship .....

Year K. Ch. Page 154 No. 3878 District Coo

Parents:

Father Neal Ridge Citizenship Cod

Mother Laura " Citizenship .....

Name of Children

2 " Early Vann Year ~~Page~~ ~~No.~~ ~~Dist.~~ 4 m.

3 " Handy " Year ~~Page~~ ~~No.~~ ~~Dist.~~ 3 "

4 " Herbert " Year ~~Page~~ ~~No.~~ ~~Dist.~~ 1 "

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Johnson Vann Jr. Stenographer [illegible]

No. 1 on K. Ch. Roll as Amanda Ridge Cod
Nos. 2 and 3 and 4 Proof of Children
to be supplied.

DEPARTMENT OF THE FIVE CIVILIZED
COMMISSION TO

JUL 19

Q Mrs. Hoo [illegible]

Q Mrs. Hoo, [illegible]

Q Mrs. Hoo, [illegible]

Q Mrs. Hoo,

To be filed in case of Mandy Vann, D-300.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 34, I was 16 when the stars fell.
Q What is your postoffice address? A Spavinaw.
Q Is that in Delaware district? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do YOU want to have enrolled besides yourself? A No one sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880; do you know why?
A No sir.
Q Were you a slave? A Yes sir.
Q Who owned you? A Norman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A SpringfieldMissouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866? A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you go from Springfield to Joplin or did you come here first?
A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By L. B. Bell, Cherokee representative:

Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge.
Q Did you know old Peter? A Yes sir he was my brotherinlaw.
Q Did you know Mr. Polston? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was staying down to Polstons then and then back to Fayetteville.

Katie Ridge, p.

Norman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville then to Fayetteville?
A My Mistress lived there away after they killed John Ridge, she went from Honey Creek on to near Bentonville then.
Q How long did you live on that farm? A I don't know
Q When did Polston live on that farm? A I dont know exactly.
Q How long had he been living there when the war broke out? A I dont remember.
Q Several years? A I dont know.
Q You dont know nothing about it? A I dont know of him all the time.
Q Norman Ridge lived in Washington County Arkansas didn't he? A No sir.
Q Will tell me where he lived then?m A In Fayetteville.
Q That is in Washington County? A I didn't know.
Q He was Mrs. Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband Henry? A He is dead, he died in small pox time.

By the Commission-

Q Where did your master die when he was killed? A Some where in the Territory or he was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

Simon Lynch, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.
Q How old are you? A 71.
Q What is your postoffice address? A Spavinaw.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I don't know how long it had been, I know her before the war.
Q Who did she belong to?m A Mr. Ridge.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken care of the Cherokee Nation during the war? A I dont know.
Q Where did you first see her after the war? A On Honey Creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there some.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her Master was she? A Norman Ridge.
Q Was he a single man when he was killed? A I dont know.
Q Do you know of him ever living outside of the Cherokee Nation? A I think he did.
Q Was he living in Arkansas? A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother? A I dont know.

By I. S. Hall:

Q What time of the year was it you say the applicant on Honey Creek in '66? A The summer of '66, I dont know just what time, but it was in the summer time.

Katie Ridge #.

Q What was you [illegible] name? A I went to South West City.
Q You saw this [illegible] there? A At the old place. Mr. [illegible]
owned it then.
Q Was he there? A [illegible] sir.
Q How far is that from [illegible] West City? A Paint very far, I dont know just exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Baties Prairie.
Q When did you come here first after the war? A The first time I came was in '66, and then moved here in '68.
Q What time in '68 did you move here? A In February.

Applicant recalled: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows: Page 186, No. 1553, Katie Ridge, Cowweescoowee district.

By Com'r Needles.

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by Mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, I.T.

T.B. Needles.
Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that the foregoing is a full, true and correct copy of the original.

Subscribed and sworn to before me this [illegible] June, 1901.

Commissioner.

30 38

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
JUN 10 1907

To be filed in case of Mandy Vann, D #50.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of him who as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T.B. Needles, testifies as follows:

Appearances:
Messrs. Mellett & Smith for Applicants.
Mr. W. W. Hastings for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your postoffice? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess eh is about eight.
Q Is your name on the roll of 1880? A No sir.
Q Is your wife's name? A No, sir.

By Mr. Smith:

Q Where do you live? A I live in Saline District, Cherokee Nation.
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
A Yes sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did Mary marry? A She married Dennis Hicks.
Q Who did Phoebe marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation first after the war? A Come back in '66.
Q Where did you come to? A Came to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, what members of your father's and mother's were with you? you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoebe and Mary and a brother, Jesse.
Q Is Jesse alive? A No, sir, he is not alive.
Q Where do you live now? A I live in Saline District.
Q What is your postoffice? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.

Q You are not on the 1880 roll? A No, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3365, Cornelius Ridge, Coowescoowee District.
Page 157, #3380, Pearl Ridge, Coowescoowee District.
Page 157, #3381, Jesse Ridge, Coowescoowee District.
Page 157, #3382, Myrtle Ridge, Coowescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon , page 153, #3185, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Muskogee? A Yes, sir.

By Mr. Hastings:

Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect though it is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your Mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's prairie? A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like. that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me like there was an orchard; might have been, I won't be sure.

Q Who did you say your master was? A Herman Ridge.
Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.
Q He had no home in the Nation did he? A The last account I knew of Herman was that when he joined the army.
Q Well, where was he living just before he joined the army? A I don't know, sir, I could not tell you.
Q Well, now, you came back here did you with your father and mother? Yes, sir.
Q Now what was the first point you came to? A In the Nation?
Q Yes. A On Honey Creek.
Q Now, what place on Honey Creek;did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where Southwest City now is.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old Home? A Yes, sir.
Q You came right back to the old home didn't you? A No, sir, not right exactly.
Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q That was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q What is your oldest child's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No sir; he is younger .
Q And where was Ida born? A Ida was born on Grand River.
Q Near what place? A On Lynch's prairie.
Q How long after the war was it until you come down to Lynch's prairie? A How long after the war you ask me?
Q That is the question? A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes, sir.
Q And you lived there you say about two or three months? A Yes, sir.
Q Now, what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kind a turned around I say out south.
Q Did you go up to the old place while you were there? A Polston place: yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure: let me think over that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there? A No, sir, I don't remember any one.
Q Where did you get anything to eat? A Brought provisions with us.
Q And just camped out down there in house?mA No, sir, we lived down there in a house.

Q You never worked for anybody? A Never done a day's work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewheres along about there.
Q Were you up about that town up there while you were down there on Honey Creek? A No, sir.
Q You didn't go to any town?h A No, sir; what do you mean, Southwest City?
Q Yes, sir. A No sir, there wasn't no town there; we come right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I knew of; none that I was acquainted with except Polston.
Q None except Polston? A No, sir, that I can remember now.
Q You don't remember any of those Indians that were living about you? A No sir; I don't remember, there was none living there as I know of.
Q Was there any field connected with your house you lived in? A No, sir.
Q What did you get water out of, creek, spring or well? A Spring.
Q What direction was the spring from the house? A Well, sir, I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the home place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife your sister? A Yes, sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after and when? A She was born before the war, I don't know where she was born at.
Q Did she go this round with you? A Yes, sir.
Q Your mother was with you? A Yes, sir.
Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes, sir, I think she was.
Q Well, now in all these round you went your father and mother and all the members of your family would go with them?A Yes sir.

By Com'r Needles:

Q Well, you apply for your wife as an intermarried citizen do you?
A Yes sir.
Q When were you married to her? A I don't know sir, about '67 I guess.
Q Have you been living with her continuously since that time?
A Yes, sir.
Q Living with her? A Yes, sir.
Q Where were you married? A Married in Missouri.
Q She is a white woman? A Yes, sir.
Q Where were you living in 1867? A In Missouri.
Q Brought your wife back with you when you come? A Yes, sir.

By Mr. Hastings:

Q Joplin is in Missouri, isn't it? A Yes, sir.

By Mr. Smith:

Q What time, Cornelius, did you leave the Cherokee Nation after you

came here in 1866; how long did you stay here in 1866?
A We came inthe fall and left after Christmas.
Q Were you a married or unmarried man at the time you came here in 1866? A Unmarried.
Q Why did you leave the Nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go? A Went to Joplin, Missouri.
Q How long did you stay there? A About three or four years, I presume.
Q And then where did you go to? A Came on Grand River.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since? A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came? A Yes, sir.

By Mr. Hastings:

Q What time did you say you came back? A FromMissouri?
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

Com'r Needles:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace Roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedman card D #355, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D Card #295, be made a part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O.Rosson.

Subscribed and sworn to before me thisthe 17th, 1901.

T. B. Needles,
Commissioner.

Cornelius Ridge, et [illegible].

The undersigned [illegible], says [illegible] as stenographer to the Justice of the Peace William Hulme, that the above and foregoing is a true and correct copy of the original.

Subscribed and sworn to before me this [illegible] day of July, 1911.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FT [illegible]
JUL [illegible]

[illegible] Acting Chairman.

To be filed in case of Minny Vann et al., S-600.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

Supplemental S-600.

In the matter of the application of Katie Ridge for enrollment as a Cherokee freedman.

Supplemental testimony.

Applicant present.
Cherokee Nation present, by its attorneys.

Anderson Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.
Q How old are you? A About 64.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q You know Katie Ridge? A I didn't know her when I first saw her, when I first met they they were up there on Honey Creek and someone said that was the Ridges.
Q What year was that? A That was along in the fall of '66, I think it was.
Q You met her in the fall of 1866 then? A Yes, sir.
Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.
Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.
Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.
Q Simon who? A Simon Lynch.
Q Did you know them before the war? A No, sir, he knew them.
By L. B Bell, Cherokee attorney: Where were you going in '66?
A Going up to Southwest City.
Q How far is Southwest City from where they were living? A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.
Q About what time of the year was it? A It was long in the fall like.
Q Can you recollect, early or late? A It was early, it wasn't so cold, I know we slept out, we were going up there.
Q You don't recollect them how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.
Q You went on from there to Southwest City didyou? A Yes, sir.
Q Now where was Southwest City, in the Cherokee Nation or Missouri? A It was in Missouri or Arkansas, I don't know which, it was across the line.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

Commissioner.



Comments:

File with C.F. D-330, Honey Creek, et al.

[illegible], C.F. D-[illegible], Rose Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., December 9, 1902.

In the matter of the application of Rose Ridge for enrollment as a Cherokee freedman.

TESTIMONY ON THE PART OF [illegible] FREEDMEN.

Appearances:
Mr. Kellogg, of Mellette & Smith, attorneys for appl't.
Mr. L.C. [illegible], of attorneys for Cherokee Nation.
Mr. W.W. Hastings, of attorneys for Cherokee Nation.

W.H. [illegible], being sworn by Commissioner Needles, testified as follows:

BY MR. HELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 46.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war began? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q How long did you remain in the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Came to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Will did you live there when the war began, or how come you to go on that place? A We lived on that place in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then-? A Until the fall of 1868.
Q During the year of 1866, that is to say, the Winter of 1865, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Katie Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No portion of that part lived down on that farm? A No sir.
Q Are you acquainted with what is known as the old Washburn place at that time? A Yes sir.
Q Was there any freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston move off that place after you bought it from him or did he ever? A He went right on the place when we left it

In '66.
Q Where did he move from to that place? A He moved from Fayetteville Arkansas.
Q There was he living during the year of 1867 after you bought that place from him? A He was living, I think positive he moved most of his family to Fayetteville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Fayetteville and lived there until he bought this place back.
Q How do you know anything about where Dr. Polston was in the early part of '66, or where he came from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Nate Ridge did you? A Never have seen him that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knowof? A Not that I had any knowledge of.
Q But you moved away from that place in '66? A Yes sir.
BY MR. MILLETTE:
Q How old are you, Mr. Wood? A 46 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You were quite a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days? A Yes sir, I do.
Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but that you could count them very easy.
Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.
Q What place are you talking about as the one that negro colored people did not live on? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.
Q How many Polston places were there in that country? A Just the one.
Q How do you know? A I lived there.
Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.
Q Where did you go during the war? A I went to the Choctaw Nation.
Q When did you return? A In '65.
Q What time in '65? A Spring.
Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.
Q Do you know Herman or Hiram Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COM'R MEHELS:
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your occupation? A I am farming and selling goods.
BY MR. BELL:
Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blevins' place.
Q And then moved down into the Cherokee nation in '66? A The next

Katie Ridge case (exp'd)

MRS. M. WOODALL, being sworn by Commissioner Bradley, testified as follows:

DIRECT EXAMINATION BY MR. MELLETTE:

Q Give your name, age and post-office? A M. M. Woodall, 50, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claiming a right as a Cherokee citizen under the 9th article of the treaty of 1866 were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q When did you get acquainted with them? A I married into the family.

Q Who was it? A I married Rhoeuna Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Folsten? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Saran Ridge? A No, she died before I went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation? A No sir.

Q This home that he had was in Washington County, Arkansas A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yes sir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

CROSS EXAMINATION BY MR. MELLETTE:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until 1858 did you? A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you almost became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
Q How long did you live there? A A year and over-some, that was as long as he lived.
Q That was up just about the beginning of the war? A Well I [illegible] lived there until '59. I left there in the fall of '59.
Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri,- I saw her husband.
Q Oh, you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield. Henry Ridge told me he was living there near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Tell that gentleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.
Q Are you a citizen of the Cherokee Nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee Nation and Missouri.
Q Were you living 2 miles north of South west City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.F. Lawrence were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the [illegible] the house of Mr. Strothers I think the post-office was [illegible].
Q Well the post-office was there in the store? A Yes sir.

Q What was the place called then? A Honey Creek. did it
Q How long did it retain that name of Honey Creek, or when it came back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.
Q Was that in one or two or three years? A Well yes, three years perhaps, somewheres along in that range, I don't know just when, I don't recollect the date so as when it was changed, but after the town was started a little.
MR. MELLETTE: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:
DIRECT EXAMINATION BY MR. BELL:
Q Give me your name, age and post-office? A My name is James M. Bell. aged 69, post-office Needmore, or Vinita, either one.
Q You are a citizen of the Cherokee nation are you? A Yes sir.
Q How long have you lived in this Cherokee nation? A Well with the exception if a few intervals I have been here since '39.
Q Well you have been here 40 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 22th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A [illegible] His first child was not of sound mind, a girl, Helen Ridge was the name, Herman, Eneeus, Andrew, Susan Washburn, Flora Polston, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards moved to Fayetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know? A He was between 25 and 30; he was 28 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q How where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother there? A In Benton County, Arkansas.
Q When did he join the army? A He joined in '62.
Q Mmmm Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a home, location or home or habitation in the Cherokee Nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes Sir.
Q By blood, friendship, social matters or what? A It is by [illegible]

standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. WHITE:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Goldsmith before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did

Q Eh,? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I know nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W. W. HASTINGS:

Q What is your name? A L.B.Bell, 68 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haversham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1843 when the whole world was flooded, I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q By who lived there, occupied it? A Old Peter,-the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and runoff and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his that he had there, remained on the place 5 or 6 years, then it passed into the hands of Dr. Polston, who married Flora, the youngest girl of John Ridges family; they lived there until 'll probably lived there 3 or

[illegible] Ridge (Negro) 9

of 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge as far as I could recollect.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came on? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the confederate Army, General Watie was a Kinsman of his and he joined the 1st regiment that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1868, did Mattie die at you,
BY MR. MELLETTE:
Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.
MR. MELLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:
BY MR. MELL:
Q Did Herman Ridge keep his slaves, I say this Mattie up there in Washington County while he lived there? A Yes sir, they lived right there.
BY MR. MELLETTE:
Q Did she return to the Cherokee Nation at any time that you were there while you were there? A Not that I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's niece and nephews.
Q There was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At [illegible] Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the territory during the war? A I wasn't here during the war, I don't know anything about it.
Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Yes sir.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the [illegible]

Tahlequah (Cherokee) Nation.

[illegible] Q. Well I don't know I never knew they were living there and I never heard them say anything about it.
BY MR. [illegible]:

Q. You don't know what legal steps were taken by those people, [illegible] to establish their citizenship?
A. No sir.

COMMISSIONER [illegible]: The testimony will be filed in Muskogee, Cherokee Freedman D 295, and D 296, and D 299 and D 300, D 302, D 303, D 304 and D 305.

(Copies of this testimony have also been made for C.T.D-676,D678,D687,D691,D694 and D695.-Steno.)

I, D. Green, being first duly sworn, state that I am stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this cause and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 13th, 1901.

Commissioner.

Cherokee Freedman D-300.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mandy Vann and minor children, Early Vann, Pansy Vann and Herbert Vann, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that, on May 15, 1901, Johnson Vann, Jr., appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of his wife, Mandy Vann, and minor children, Early Vann, Pansy Vann and Herbert Vann, as Cherokee Freedmen. All the evidence taken in the cases of Katie Ridge, Cherokee Freedmen D-295, and Cornelius Ridge, Cherokee Freedmen D-586, is filed with and made a part of the record in this case. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Mandy Vann is the daughter of Cornelius Ridge and his wife, Laura Ridge, a state woman, and that she claims right to enrollment through said Cornelius Ridge.

The evidence further shows that Cornelius Ridge was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during said rebellion and did not return thereto until after January 19, 1867.

The evidence further shows that the said Mandy Vann was married, in about the year 1897, to one Johnson Vann, Jr., who is duly identified on the 1880 authenticated roll of the Cherokee Nation and the 1896 census roll of said nation as "adopted colored;" that the said Johnson Vann, Jr., had a wife living and from whom he was not divorced at the date of his said marriage to Mandy Vann.

The evidence further shows that Early Vann is the son of Mandy Vann, born to her prior to her marriage; and that Pansy Vann and Herbert Vann are children of the said Mandy Vann by her husband, the said Johnson Vann, Jr.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

> "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate."

The evidence further shows that the said Pansy Vann and Herbert Vann have resided in the Cherokee Nation all their lives. The evidence does not show that the father of Early Vann, or any of his ancestors, were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the rebellion. The names of said Early Vann and Mandy Vann are not found on the 1880 authenticated roll of the Cherokee Nation.

M.N.B-300.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mandy Vann and Early Vann, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that Fanny Vann and Herbert Vann should be enrolled as Cherokee Freedmen, in accordance with the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

(SIGNED) T.B. Needles.

(SIGNED) C.R. Breckinridge.

(SIGNED) W.E. Stanley.

Muskogee, Indian Territory,
this JUL 10 1903

DEPARTMENT OF THE INTERIOR

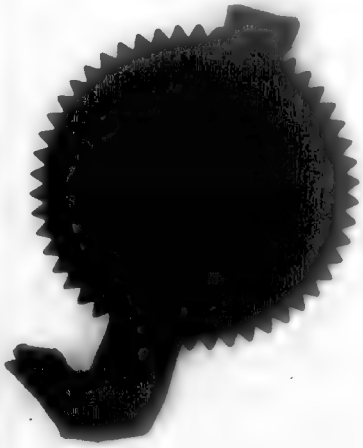
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DEPT. No. 8044

WASHINGTON, December 7, , 1916.

I, E. B. Meritt, , Commissioner of Indian Affairs, do hereby certify that the papers hereto attached ..... are true copies of the originals as the same appear on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.



E. B. Meritt

Assistant Commissioner.


CHEROKEE FREEDMAN
IN RE
DEAD CHILD
CHEROKEE

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHEROKEE

AFFIDAVIT OF MOTHER

Subscribed and sworn to before me this 1st day of May, 1907.

AFFIDAVIT OF MIDWIFE

Subscribed and sworn to before me this 1st day of May, 1907.



CHOKEE

AFFIDAVIT OF MOTHER

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mandy Vann,
Choteau, I.T.
Cherokee F-D-300
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-500.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of Johnson Vann, Jr., for the enrollment of his minor children, Fanny and Herbert Vann, and rejecting his application for the enrollment of his wife, Mandy Vann, and his minor child, Early Vann, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. [illegible]

Commissioner in Charge.

Enc. H-42.

Copy.

Cherokee Freedmen
D-300.

Muskogee, Indian Territory, August 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Johnson Vann, Jr., for the enrollment of his wife, Mandy Vann, and his three minor children, Early, Fanny and Herbert Vann, as Cherokee Freedmen, together with a copy of the Commission's decision, dated July 10, 1903, granting said application as to Fanny Vann and Herbert Vann, and rejecting said application as to Mandy Vann and Early Vann.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-134.

COPY.

Cherokee Freedmen
D-300.

Muskogee, Indian Territory, August 24, 1903.

Johnson Vann, Jr.,

Chouteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Mandy Vann, and your three children, Early, Fanny and Herbert Vann, as Cherokee Freedmen, together with a copy of the Commission's decision, dated July 10, 1903, granting your said application for the enrollment of Fanny and Herbert Vann, and rejecting your application for the enrollment of Mandy Vann and Early Vann.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. D-133.

Refer in reply to the following:
LAND.
55268/1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Johnson Vann, Jr., for the enrollment of Mandy, Early, Pansy and Herbert Vann as Cherokee Freedmen.

The record in this case shows that Mandy Vann is the daughter of Cornelius Ridge and Laura Ridge, his wife, who was a state woman. She claims right to enrollment through her father, Cornelius Ridge. Cornelius Ridge was the slave of a citizen of the Cherokee Nation at the commencement of the war. In 1897 Mandy Vann was married to Johnson Vann, Jr., who is identified by the 1880 roll as an adopted colored. Early Vann is the son of Mandy Vann, born prior to her marriage to Johnson Vann, Jr. Pansy and Herbert Vann are the children of Mand and Johnson Vann.

Cornelius Ridge, father of Mandy Vann, left the Cherokee Nation during the war and from the record it does not appear that he returned thereto within the time limit fixed by the treaty of 1866 and therefore Mandy Vann, his daughter, is not entitled to enrollment as a Cherokee Freedman.

There is nothing in the record which shows that the father of Early Vann or any of his ancestors, were slaves to the Cherokee Citizens or free colored persons residing within the Cherokee Nation at the commencement of the war.

Johnson Vann, Jr., had a wife living from whom he had not been divorced at the time he married his present wife, Mandy Vann. Under the provisions of Section 692 of the Cherokee Laws, it is not probable that Mandy Vann would be entitled to enrollment even if the Court of Claims should find that women intermarried with freedmen are entitled to enrollment, as the marriage under that section, is absolutely void.

However, Pansy and Herbert Vann are the descendants of a person whose name appears on the 1880 roll, and the approval of the Commission's decision of July 10, 1903, favorable to them and adverse to enrollment of Mandy and Early Vann, is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

CAW-H

D C 14261-1904. COPY J.P.

I.T.D. 2410-1904. DEPARTMENT OF THE INTERIOR, FEB

L.R.S. WASHINGTON.

May 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the matter of the application of Johnson Vann, Jr., for the enrollment of his wife, Mandy Vann, and his three minor children, Early, Pansy and Herbert Vann, as Cherokee Freedmen, including your decision of July 10, 1903, granting said application as to Pansy Vann and Herbert Vann, and rejecting said application as to Mandy Vann and Early Vann.

Reporting in the matter 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-300

Muskogee, Indian Territory, May 11, 1904.

Mandy Vann,

Choteau, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting your application for the enrollment of yourself and your minor child, Early Vann, and granting your application for the enrollment of your minor children, Pansy and Herbert Vann, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-300.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Mandy and Early Vann and granting the application for the enrollment of Pansy and Herbert Vann as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Department of the Interior.

Commissioner of Indian Affairs.

MUSKOGEE IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

EMPTY

F I L E

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 17 1907

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 17 1907

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 16, 1901.

In the matter of the application of Charley Morris for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Charley Morris.
Q How old are you? A About 41 according to my count.
Q What is your postoffice? A Sodland.
Q In what district do you live? A Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A By intermarriage.
Q Who do you want to enroll besides yourself? A Just myself; my wife is enrolled.
Q When were you married? A I can't tell exactly the date; its been about 22 years ago.
Q Are you on the roll of 1880? A Yes sir.
Q What is your wife's name? A Alice Morris. She was a Solmeen before I married her.
Q You and she are still living together, are you? A Yes sir.
Q Living together ever since you were married 22 years ago? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page Vii, No. 902, Charlie Morris, Sequoyah District.
Note: No citizen, didnot return according to the treaty of '66; suspended for examination.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant and that of his wife are not found of record thereon.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page Vii, No. 903, Alice Morris, Sequoyah District.

Q Did you draw Cherokee strip money? A Yes sir, under the Lipe payment: didn't drew in the time that Dickson was paying.
Q Did you draw the big payment? A No sir, I drawed the bread money when they issued out of the Cherokee. We were married by the laws of the Cherokee Nation.

The Kerns-Clifton Roll examined and the name of the applicant is found on page 97, No. 2423, Charles Morris, Sequoyah District.
Note: No. 84 on Cherokee authenticated roll, but claims to be no citizen before Dallas.
The Kerns Clifton Roll examined and the name of the applicant's wife is found on page 97, No. 2424, Alice Morris, Sequoyah District.

Q Did you get out a Cherokee license when you were married? A Yes sir.
Q Have you it? A No, I want to state to you exactly how them licenses — I can show you how my license got out of my hand. Judge Gunter is here.
Q The first thing I want to know is did you get a Cherokee license? A Yes sir.
Q Who did you get it from? A Judge Gunter, and I got sixteen according to the laws of the Cherokee Nation, and Mr. Frye he was a Clerk of Sequoyah District at Dallas; I went before him and was sworn there and he issued me my license, and then afterwards I was notified to attend Court at Tahlequah and I went and I taken my license to Court, and they said there alright, only

2- [illegible]

Mr. [illegible] had my home at Charles Berry's instead of Morris, and had it changed that my [illegible] Sampley Morris on the roster, and they told me to leave my license here in this Court, and when the Court [illegible] of course, we will look over your license and you take your license, and I said I wanted my license, and they said leave it here and we will send them to you after we pass decision on them. The Court adjourned, Chatoora Court, I waited until they adjourned and they didn't send it, and I wrote for them and didn't get them, and they got them in the Court yet and I came back and got a statement from the man that married me, Mr. Charles Frye.

Q This is just an affidavit? A Yes sir.

Q We don't take affidavits? A That is just a statement that I complied with the Cherokee laws. He told me that all the rolls were turned over to the Commission here at the time he was Clerk.

Q The records are doubtless in the Executive Office at Tahlequah? A Yes sir.

Q And what you will need in the manner of a license is to get a certificate from the Executive Clerk, stating that the records show that the license was issued to you. Mr. Alberty is the Clerk up there? A I will have to go there.

Commissioner- You can write there.

Q You only claim through intermarriage? A That's all, yes sir.

Q You were not a Cherokee Freedman of your own right? A No sir, just complied with the laws of the Cherokee Nation.

The applicant applies for enrollment as an intermarried Cherokee Freedman; he is identified on the roll of 1880, with a remark as set forth in the testimony, and he is also identified on the Kerns-Clifton Roll, but not upon the roll of 1896. It appears from the testimony that the applicant is a colored man and is not a Cherokee Freedman of his own right, and he claims only through intermarriage. For the further consideration of his status, arising from his enrollment and the evidence so far adduced, and also to await an official certificate of his having received a Cherokee license, he will now be listed for enrollment upon a doubtful card as an intermarried Cherokee Freedman.

Supplemental testimony.

Q What was your wife's name when you married her? A She was a Johnson.

Q Your wife's living now, you say? A Yes sir.

Q How old is she? A I couldn't exactly say; she's about 38 or 40.

Q You were never married except to her? A Yes sir, my first wife had no children.

Q How many times were you married? A Twice only.

Q To this wife and one other wife? A Yes sir, she's dead.

Q Who was your first wife? A She was Annie Jackson.

Q Was she a Cherokee woman? A She was, I married her in the States. I brought her here she died when I brought her here.

Q She died before 1880? A Yes sir.

Q You married her in what state? A My first one I married here in Arkansas.

Q How old was she when you married her? A I just couldn't tell you; she was a middle aged woman; I couldn't tell you exactly.

Q Where was she born? A In the Cherokee Nation.

Q How long had she lived in the State of Arkansas? A She came here after they surrendered down there below Little Rock, and I married her and she wanted to come home to her country here; she belonged to the Cherokee; I brought her home and she lived about 11 or 12 months and she died, and I married again.

Q How long did she stay in Arkansas before you married her? A Something near twelve months.

2- C. N.

Q Was your wife Annie dead when you married your wife, Alice? A Oh, yes; she was dead.
Q You lived with your wife, Annie, until she died? A Yes sir, died right here in the Cherokee Nation.
Q Was your wife Alice ever married except to you? A No sir.
Q Why did you take your license up to the Citizenship Court of the Cherokee Nation? A After I married, I was summoned through the Sheriff by Albert Johnson, the one that was killed; there was a mistake in Mr. Frye putting my name down wrong as Charles Morris, and I had to go up there to correct that mistake, and I got witnesses and I got my license; and I said I wanted my license and they said if you take your license out of the hands of this Court you can't work on it, but as the Court adjourns it will be returned to you.
Q I want to find out why you went to the Court? A I was summoned there.
Q On a business matter? A Yes sir.
Q You wanted to be put right on the roll? A Yes sir.
Q You wanted to be set straight from Charley Morris to Charley Morris? A Yes sir, I was summoned there for that purpose; they had it on as Charley Morris before the Chambers' Court.

Examination by J. S. Davenport, representative of the Cherokee Nation-
Q Weren't you a claimant under the treaty of '66 before the Chambers Court? A Oh, No.
Q Didn't you file a claim there as many others of the Freedmen who came here in '70 and '71? A No sir, I didn't; I couldn't because I got out my license and certificate.
Q I aint asking what you got out; I notice the notation on the '80 roll, that you were dropped from the roll and was suspended for examination? A No sir.
Q That wasn't when you filed your license? A No sir.
Q Was it before 1880 or after 1880? A It was before 1880 I think.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

J. S. Davenport

Subscribed and sworn to before me this 17th day of April, 1901.

Commissioner.

FD82

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 16 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 16, 1901

Post Office Redlands, I.T.

District Sequoyah

1. Name Charlie Morris Age 61

Owner's name ..... Citizenship .....

Year 1880 Page 711 No. 902 District Sequoyah

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name .....

Year ..... Page ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

Ark Enrld. roll, p. 97 #2423 - Seq.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 17 1901

ACTING CHAIRMAN

2811

Cherokee Nation,)

Sequoyah District) Charles Morris a citizen of the United States and having presented to this office the necessary recommendation and petition with the required number of signeers praying that a marriage license be granted to the said Charles Morris to marry one Alis Johnson a citizen of the aforesaid District and Nation which is hereby granted,

Now therefore to any of the Judges or clerks of the courts of this Nation or any ordained minister of the Gospel Greeting: You are hereby authorized by virture of this license to join in the holy estate of matrimony the aforesaid Charles Morris a citizen of the U.S.A. and Alis Johnson a citizen of the District and Nation aforesaid. and attach your certificate of same to these license.

Given under my hand and seal of office this the 2nd day of March 1880.

C.O.Frye, clerk Sequoyah District,

C.N.

March 4th A.D. 1880,

Sequoyah District,I.T.

This is to sertty fey that I prepaumdid the bonds of matrimony between the within named couple.

Rev.M.A.Douglas,

Executive Office Cherokee Nation,

Tahlequah I.T.

I,B.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the fòregoing is a true copy taken from the marriage records of Sequoyah District Cherokee Nation now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 16th day of April 1901.

B. W. Alberty

Assistant Executive secretary

Cherokee Nation

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Charles Morris for enrollment as a Cherokee Freedman.

No. F. D. 82

J. C. Starr, of lawful age, being duly sworn on oath states that on the 30th day of August, A. D. 1901, he registered to Charles Morris whose postoffice is Redland Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto attaches the receipt of the Postmaster at Indian Territory,~~ and that on the 5th day of September, 1901, he received the return card which is hereto attached, signed by the said Charles Morris, showing that he had received said notice.

Subscribed and sworn to before me on this the 5th day of Sept. A. D. 1901.

Notary Public.

D. T. D. 82.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ..... by delivering a true copy thereof on the ..... day of ....., A. D. 1901.

Given under my hand this ..... day ..... A. D. 1901.

..... Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of ....., 1901.

..... Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to ..... on the ..... day of ..... A.D. 1901

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 5 1901

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 5 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF The application of Charles Morris for enrollment as a Cherokee Freedman:

Case No. F. D. 82

To Charles Morris, Redland I. T

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Port Gibson Indian Territory, on the following dates, to-wit Sept 6 1901 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ~~August~~ 28th day of August, 1901.

L B Bell

Attorneys for the Cherokee Nation.

E 3067

(11)

SEP 6 19

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Freedmen of the Cherokee Nation.

Louis J. Brown

No. _____

7 3467

(1)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 7 1901

[signature]
ACTING CHAIRMAN

(1)

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, towit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.
"Henry Johnson, Tahlequah "
"Lee Cooper, " "
"Henry Bird, " "
"William Madden, " "
"Alonzo Cullen, "
"Solomon Foster, Illinois "
"William Hudson, " "
"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

NOTE—"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

N. 6. T.B.#22.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CHARLIE MORRIS as a Cherokee Freedman, introduced on the part of the Cherokee Nation.

APPEARANCES:
W. W. Hastings, of Counsel for Cherokee Nation.

Cherokee Nation produces satisfactory proof of service of notice on the said Charles Morris that testimony would be taken in the matter of his application for enrollment as a Cherokee Freedman on the 5th day of September, 1901. The said Charles Morris and his Attorney, Louis T. Brown, have been called three times and neither has responded.

Mr. Hastings: The Cherokee nation offers in evidence a certified copy of the decision of the Supreme Court of the Cherokee Nation of date June 20, 1871, with reference to the right of intermarried colored persons.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 7th, 1901.

Commissioner.
W. O. Breen
NP

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
SEP 30 1901

C.T. 20

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 7, 1901.

In the matter of the application of Charley Morris for enrollment as A Cherokee Freedman.

Appearances:
L. T. Brown, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation;

By L. T. Brown: The agent objects to the introduction of any testimony tending to disprove the citizenship of the applicant for the reason that his name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims of date February 5, 1896, by which this Commission is making a roll of Cherokee Freedmen, strictly forbids the introduction of any testimony tending to disprove the in citizenship of any person whose name appears upon that roll.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the foregoing proceedings in the above entitled case, and that the same is a true and complete transcript from his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 7th of September, 1901.

M D Green
Notary Public

Cherokee Freedmen # 82.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charlie Morris for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 16, 1901, Charlie Morris appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a Cherokee Freedman by intermarriage.

The evidence, however, shows that the applicant is identified on the 1880 authenticated Cherokee roll, being described thereon as "adopted colored." Opposite his name on the margin of said roll, appears the following note: "No citizen, did not return according to the treaty of '66; suspended for examination." It does not appear, however, that any action was ever taken by the Cherokee authorities with reference to striking the applicant's name from said roll.

The evidence further shows that the applicant has resided in the Cherokee Nation continuously, from about 1879 up to and including the date of his application herein.

It is, therefore, the opinion of this Commission that Charlie Morris should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 State.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, Indian Territory,

this JUL 10

FILED
AUG 14 1902
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. August 12th 1903.

In the matter of the application of Charley Morris for enrollment as a Cherokee Freedman.
C. F. D. # 88.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission in the above entitled case and asks that same be forwarded to the Honorable Secretary of the Interior for Review.

The evidence shows that this applicant only claims rights of citizenship in the Cherokee Nation by intermarriage; that he was not a slave of a citizen of the Cherokee Nation and does not claim to have qualified under the treaty of 1866 but he claims his right to be enrolled because one of the census takers enrolled his Cherokee Freedman family and by error his name was added to the list which when revised by the National Council had a note made opposite his name "No citizen did not return according to the treaty of 1866, suspended for examination". Now because his name appears upon the roll of 1880 the Commission erroneously on July 10 1903 rendered a decision admitting him to citizenship; there is nothing clearer whatever than that it was not the intention of the Cherokee National Council to admit this man to citizenship and we do not believe that the Department will be so bound by petty technicalities as to do a grave injustice to the Cherokee People. The decision of the Supreme Court of 1871 shows that the Cherokee ~~Freedmen~~ Nation never recognized any freedman as having acquired rights to citizenship in the Cherokee Nation by intermarriage; hence when his name was carried along with that of his family in the note opposite not only indicates but specifically says he is "No citizen" just how the commission decided that a man marked "no citizen" on the 1880 roll could be entitled to citizenship, we are unable to see.

We respectfully submit that under the evidence we do not believe this man is entitled to be enrolled as a citizen of the Cherokee Nation and we believe the Department will so hold.

Respectfully,

I B Bell
Attorney for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

No.	Name.	Native or Adopted	Age	Sex
1480	Nor tah we yah	N. Cher	48	M.
1481	Nor tah we yah, Wilson	N. Cher.	4	M.

Tahlequah Dist. page 736.

This is to certify that I am the officer having charge of the records pertaining to the rolls of citizens of the Choctaw, Chickasaw, Cherokee, Creek and Seminole tribes of Indians and the allotment of the lands of said tribes, and that the above and foregoing is a true and correct copy of words and figures found upon the 1896 Cherokee Tribal Roll, Tahlequah District, opposite Nos. 1480 and 1481, on Page 736.

Dated at Muskogee, Indian Territory,
this June 26, 1907.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

No.	Name.	Native or Adopted.		Age.	Sex.
2216	Sheppard, Joshua (dead)	A	Col.	45	M.
2217	" Betsy (")	"	"	36	F.
2218	" Thomas (")	"	"	12	M.
2219	" Ruth Ann	"	"	8	F.
2220	" Lucinda(dead)	"	"	7	F.
2221	" Ellen	"	"	6	F.
2222	" Andrew (dead)	"	"	4	M.
2223	" Simon	"	"	2	M.
2224	" Nancy (dead)	"	"	9 Mo.	F.

This is to certify that I am the officer having charge of the records pertaining to the rolls of citizens of the Choctaw, Chickasaw, Cherokee, Creek and Seminole tribes of Indians and the allotment of the lands of said tribes, and that the above and foregoing is a true and correct copy of words and figures found upon the 1880 Cherokee Tribal Roll, Tahlequah District, opposite Nos. 2216 to 2224, inclusive, on Page No. 810.

_____

Commissioner.

Dated at Muskogee, Indian Territory,

this April 26, 1907.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

"No.	Name	Age	Sex .
496	Cochran, Mary	11	Female."

This is to certify that I am the officer having charge of the records pertaining to the rolls of citizens of the Choctaw, Chickasaw, Cherokee, Creek and Seminole tribes of Indians and the allotment of the lands of said tribes, and that the above and foregoing ~~are~~ is a true and correct copy of words and figures (as) found upon the ~~1896~~ Cherokee Tribal Roll, Flint District, opposite No. 496, ~~which enrollment has been accepted as that of Amber Cochran,~~ whose name appears upon the approved partial roll of Cherokee citizens opposite Number 26980.

2216 No 2224 was also on page 2810

Tahlequah

Mary

_____

Commissioner

Dated at Muskogee, Indian Territory,

this _____

COPY.

Cherokee Freedmen
D-22.

Muskogee, Indian Territory, July 27, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of Charlie Morris for the enrollment of himself as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. [illegible]

Commissioner in Charge.

Enc. H-13.

-7-

Cherokee Freedmen
D-43

Muskogee, Indian Territory, August 6, 1903.

Louis T. Brown,
Agent for Charlie Morris,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of Charlie Morris for the enrollment of himself as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Enc. D-43
Register.

Cherokee Freedmen
D-44

Muskogee, Indian Territory, August 6, 1906.

Charlie Harris,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 20, 1906, granting your application for the enrollment of yourself as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Enc. D-44

Register.

COPY.

Cherokee Freedmen
Dead

Muskogee, Indian Territory, August 24, 1903

Louis T. Brown,

Agent for Charlie Morris,

Vinita, Indian Territory.

Dear Sir:

On August 6, 1903, there was forwarded to you and to the applicant, a copy of the Commission's decision dated July 10, 1903, granting the application for the enrollment of Charlie Morris, Cherokee freedman D 82. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[redacted]

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-82

Muskogee, Indian Territory, August 24, 1903

Charlie Morris,

Redland, Indian Territory.

Dear Sir:

On August 6, 1903, there was forwarded to you and to your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the Commission's decision dated July 10, 1903, granting your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

COPY.

Cherokee Freedmen D-82

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charlie Morris for enrollment as a Cherokee freedman, including the Commission's decision dated July 10, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, said protest having been filed after the expiration of the time allowed for filing. A copy of the Nation's protest is herewith enclosed.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-172

Refer in reply to the following:

Land.
[illegible]-1904.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, March 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated August 24, 1903, transmitting the record relative to the application of Charlie Morris for enrollment as a Cherokee freedman.

July 10, 1903, the Commission held that the applicant was entitled to enrollment as a Cherokee freedman.

From the record it appears that the applicant's name appears on the 1880 Cherokee roll as "adopted; colored." Opposite his name on the margin of said roll the following appears: "No citizen. Did not return according to the treaty of '66; suspended for examination." From the record it does not seem that any action was ever taken by the tribal authorities with reference to striking the applicant's name from the 1880 roll. The applicant, it appears, has resided in the nation continuously since 1879.

The Cherokee nation protests against the Commission's decision.

The applicant himself seems to base his right to enrollment upon inter-marriage. He was married in 1879 to

Alice Johnson, and he bases his right to enrollment upon this marriage.

He is not entitled to enrollment by reason of having been a slave of a Cherokee citizen at the commencement of the rebellion or having resided in the nation at that time, and if entitled to enrollment at all, unless it be by intermarriage, it is because of his name being on the 1880 roll. It appears to this office, however, that it is evident that the Cherokee nation did not formally adopt him as a citizen of the Cherokee nation, but that his name was placed upon the roll and after being so placed thereon the notations above quoted were made, which notations conclusively show that the tribal authorities did not admit the applicant to citizenship.

In view of the foregoing it is recommended that the decision of the Commission, favorable to the applicant, be not approved, and that the applicant be declared not entitled to enrollment upon the present record by reason of the fact that his name appears on the 1880 roll.

As the Assistant Attorney General in opinion of March 22, 1904,-I. T. D. 641- refrained, for reasons therein stated, from expressing any opinion relative to the right of freedmen to enrollment as intermarried citizens, the office does not consider it incumbent upon it at this time to make any recommendation in this case in this particular, and it is suggested that the applicant's right to enrollment as an intermarried

freedmen be not passed upon until that question shall have been finally settled.

Very respectfully,

A.C.Tenner,

Acting Commissioner.

CAW-Ma

D.C. 15087-1904. JP FHE LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITD 2766-1904. May 6, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you submitted the case involving the application of Charlie Morris for enrollment as a Cherokee freedman, having on July 10, 1903, rendered your decision in favor of the applicant. The applicant claims by intermarriage. His wife's name is found upon the 1880 roll.

It appears that the applicant has resided in the Cherokee Nation since about 1879; that he is identified on the 1880 authenticated Cherokee roll, being described thereon as "adopted colored." You state that opposite his name, on the margin of said roll, appears the following note: "No citizen, ddd not return according to the treaty of '66.; suspended for examination." Notwithstanding this note, you find, by virtue of the fact that his name is on the 1880 roll, he is entitled to be enrolled, under the provisions of section 21 of the act of June 28, 1898 (30 Stat. 495). The Nation protests against your decision.

The acting Commissioner of Indian Affairs states, in his letter of March 30, 1904, submitting the case, that the applicant is not entitled to enrollment by reason of having been a slave of a Cherokee citizen at the commencement of the rebellion, or having resided in the nation at that time ; that it is evident that the Cherokee Nation did not formally adopt him as a citizen of the Cherokee Nation, but his name was placed upon the roll and after being so placed thereon, the note mentioned was made on the roll, which notation conclusively shows that the tribal authorities did not admit the applicant to citizenship. He therefore recommends that your decision be not approved, and that the applicant be declared not entitled to enrollment, upon the present record. It is suggested, however, that the applicant's right to enrollment as an intermarried freedman "be not passed upon until that question shall have been finally settled."

The Department concurs in your view in the matter. There is nothing in the record to show by whom the note in question was made on the roll. The attorneys for the Cherokee Nation assert that "one of the census takers enrolled his Cherokee freedmen family and by error his name was added to the list which when revised by the National Council had a note made opposite his name "No citizen" &c. At this late date it would seem impossible to prove by whom this note was made, but even if the contention of the attorneys for

the Nation just mentioned was true, as stated in your decision the Nation's authorities never took any action to strike the applicant's name from the roll of 1880, and as it has been held that the roll of 1880 is to be accepted by you as conclusive of the right of all persons whose names are found thereon and their descendants, to be enrolled by you, and that your only duty in relation thereto is to ascertain who of the persons named therein are alive and who of their descendants are alive, and place their names on your roll, omitting, however, all who have forfeited or abjured their citizenship, the Department hereby affirms your decision.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan.

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-68.

Muskogee, Indian Territory, May 16, 1904.

Charlie Morris,

Redland, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 6, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-22.

Muskogee, Indian Territory, May 16, 1904.

Louis T. Brown,

Agent for Charlie Morris,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting the application for the enrollment of Charlie Morris as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 6, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-62.

Muskogee, Indian Territory, May 16, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting the application for the enrollment of Charlie Morris as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 6, 1904.

Respectfully,

Chairman.

Mer Fr 1339

—Oh, I'm sorry.

"I'm not."

"I'm not."

—Hmph.

"I'm not."

"I'm not."

"I'm not."

—Oh, I'm sorry

[illegible]

In the matter of the application of Susan Goody for enrollment as a Cherokee freedman] now being taken by Commissioner T. B. Needles, Commissioner to the Five Civilized Tribes, at Muskogee, I. T. on June 30th 1906.

Applicant sworn and testified as follows:

Q What is your name? A Susan Goody.
Q How old are you? A. 39 years & months.
Q What is your post office address? A. Gerrityville.
Q Do you live in Southeastern district? A. Yes sir.
Q Do you apply for enrollment as a freedman Cherokee? A. Yes sir.
Q Who else do you want to have enrolled besides yourself? Send myself?
Q Is your name on the roll of 1880? A. I don't know.
Q Did your ever draw any money? A. Yes sir.
Q Has your name always been taken account? A. Yes sir.
Q Were ye a slave ? A Yes sir.
Q Who did you belong to? A. To [illegible]
Q Was he a Cherokee citizen? A. Yes sir.
Q Where were you born? A. I am not able to tell you think, that I can remember anything I was among the Cherokees.
Q Did you go and settle Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Fort Scott, Kansas.
Q What did you come back? A. In '66.
Q Have you been living here ever since? A. Yes sir.
Q Are you the mother of any children ? All I have is dead.
Q Are you married? A. No sir my husband is dead.

Applicant not found on the 1880 or 1890 rolls.

Kern Clifton roll examined and the name of the applicant found as follows:Page 196,No.2000 Susie Goody" Tahlequah district.

Vallant roll examined and the applicant found as follows:
Page 197 No. 2000, Susie Goody, Tahlequah district.

By Davenport, Cherokee representative.

Q Who did you come to the Cherokee Nation with? A. Mr. Sam Webber and my husband and a lot of them.
Q What was the full name of your husband? A. Charles Goody, and after he died I fell to Nick Goodey, his son.
Q Where were they living when the war broke out? A. At Cowskin Mission
Q Were you living with them? A. [illegible] I was hired out to Sam Webber
Q Was he a Cherokee citizen? A. No sir.
Q Where was he living ? A At Fayetteville.

By W. W. Hastings, Cherokee Nation's attorney

Q How long before the war were you hired to him? A. I don't know.
Q Was it several years? A. Yes sir.

Sam Webber, called and sworn as a witness for the applicant.

Q What is your name? A. Sam Webber.
Q What is your age? A 49
Q Do you know this applicant? A. Yes sir.
Q How long have you known her? A. Ever since down I got well acquainted with in war times.
Q Was she a slave? A. That is what she always told me
Q Do you know of your own knowledge of her being a slave? A. Not exactly of my own knowledge.
Q Do you know where she went during the war? A. Yes sir to Kansas.
Q What did she return here? A. She came with her husband in the latter part of July 65

husband came with us and cultivated a piece and then went back and got
Q What was his name? A. He called him uncle Gilbert, and he called him
Q He returned with you in 1865 did he? A. Yes sir.
Q And she came with his labor? A. Yes sir.
Q Has she been living there ever since? A. Yes sir, not 20 miles from
where they first settled.

By Mr. Davenport-

Q You dont know where she lived @ the time the war broke out? A. No
sir.
Q Nor to whom she belonged? A No sir.

MARGUS MERRELL called and sworn as a witness for the applicant

Q What is your name? A. Malcom Merrell.
Q What is your age? A. 77.
Q What is your post office address? A. Scottsville
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know this applicant? A. Yes sir.
Q How long have you known him? A. 58 or 60 years.
Q Was she a slave? A Yes sir.
Q Was Bill Webb Gilbert? A. Another family.
Q Was he a Cherokee citizen? A. Yes sir
Q Did she leave the Cherokee Nation during the war? A. No sir.
Q Where did she go to? A. Kansas.
Q What part? A. I dont know what part, I saw her in Fort Scott.
Q Did she ever return here? A. Yes sir, but I dont know when.
Q When did you first see her here after the war? A. I saw her in '70
Q And you saw her in Kansas during the war? A. Yes sir.

By Mr. Davenport-

Q How far did you live from where she lived during the war? A. Within
a mile or where she was working at Mr. Foster's
Q How far did you live from Charles Sedgwick at the time the war broke
out? A. He was dead then
Q Where were the Gooby's living at that time with reference to where
you lived? A. Matt Gooby lived 40 miles from me on Big Creek and I
lived at Fairhill.
Q You dont know who she belonged to before the war broke out, just
before it broke out? A. She was working for Foster in '61,
Q Was he a Cherokee citizen? A. He was a minister.
Q Did you be a Cherokee or a white man? A. I white man
Q Was belonged to George Merrell? A. Yes sir.
Q You dont know whether she belonged to Foster then or not? A. No sir.

By the Commission -

Q What makes you say that she belonged to the Gooby's then? A. Because
she served at Gooby's, she belonged to one Matt Gooby after the
[illegible] Gooby died.
Q Was she always a slave of the Gooby family? A. Yes sir

By Mr. Davenport-

Q Were you ever at the Goodey place before the war? A. Yes sir.
Q What was that? A. Commenced in 1910.
Q She was not very old in 1910 was she? A. No sold her grandmother lived already.
Q How old were you then? A. I don't remember know.
Q Did you know or anyone about in 1910 all her kin up till now.
Q Was she always considered as a citizen of the Cherokees? A Yes sir.

By Mr. Hastings-

Q Do you know that she was a citizen of the Cherokees? A Only as I used her serving there.
Q When did you last see her at the Goodeys? A. About 20 years before the war.

By the Commission;

Q You didn't see her at the Goodey place for 20 years before the war? A20 sir, I used her there later than that.
Q You wasn't around there where she and her mother were just before the war were you? A. I passed by there up through that neighborhood a good deal and used her there after that I passed.

By Hastings-

Q Then what you its last time you saw her at the Goodey place before the war? A I can't say truthly.
Q Was it 10 years, 15 years or 20 years? A. I can't say positively and I won't say.

By Asst'r Needles-

Susan Goodey applies for herself;she swore she is a hundred years old, was the slave of the Goodey family,was taken out of the Cherokee Nation during the war, returned in 1868 and has lived here ever since. She is not identified on the 1880 authentic,but will, but is identified on the Kern Gilfis and Wallace rolls. She will be listed for enrollment as a Cherokee freedman on a doubtful card and when the final decision of the Commission is arrived at she will be notified by mail.

* * * * * * * * * * *

I, Jno. Van Vleet, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 6th of July, 1906.

Commissioner.

(B) 30850

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 25 1901

ACTING CLERK.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Jun 25 1901

Post Office Coffeyville Kans.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Susan Coody Age 105

Owner's name Dick Coody Citizenship Cherokee

Year K. B. Page 156 No. 9850 District Coo

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children: Dorothy

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by M. J. Stenographer Chas. von Weise

On K. B. roll as Susie Coody
J. J. Walker, Page 107 #2290 - Coo.

P

4. D. 850

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on Susan Goody.

.....

by delivering a true copy thereof on the 24" day of Sept A. D. 1901

Given under my hand this ..... day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... , 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....
Susan Goody
on the 24" day of Sept A. D. 1901
J. L. Carter

Subscribed and sworn to before me this 25" day Sept 1901
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
My Com Exp Jan 18 1904

FILED
SEP 26 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Susan Coody for enrollment as Cherokee citizens:

Case No. IT 850

To Susan Coody Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Pt. Gibson Indian Territory, on Sept. 26th 1901 at 8 o'clock a. m. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

Attorneys for the Cherokee Nation.

70850

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 11 1901

ACTING CHAIRMAN.

SUPPLEMENTAL: C.W. D-SEC, Susan Coody.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept.27, 1901.

In the matter of the application of Susan Coody for enrollment as a Cherokee Freedman;

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Messrs.L.B.Bell and James Davenport, for Cherokee Nation.

JOHN H. COODY, being sworn, and examined by the Commission testified as follows:

Q What is your name? A John H. Coody.
Q What is your post-office address? A Nowata, I. T.
Q How old are you? A 46 years old.
BY MR. BELL:
Q John, this is the case of Susan Coody, a freed woman claiming to be a Cherokee, an applicant for enrollment here, do you know anything, she says she lives near Coffeyville, Kansas, in the Cherokee Nation, do you know such a woman? A Yes sir.
Q Who did she belong to? A Well the last owner she belonged to was Worcester, missionary that was here in this country.
Q Well state what you know about her them, as to her ownership, and how it come? A Well she belonged to my grandfather first, Charles Coody. He gave her and her husband to my father, my father traded her and her husband to Jake Bushyhead for another colored man and xxxx Jake Bushyhead sells these two people to Worcester, a missionary, and he freed them; that's all I can tell you about the ownership of them.
Q Worcester was a white man was he, and not a citizen of the Cherokee Nation? A Yes sir, not a citizen of the Cherokee.
Q What do you know whether she returned here or not, whether she went out of the Cherokee Nation during the war, and if she did, her return to the Cherokee Nation? A Well the old man said she went to Kansas during the war and we come back to the country in '68, and they moved back from Kansas that winter; left after that, but I couldn't say what time it was. It was after we moved back in the fall of '68; I was at their house some time afterwards and they had not been living there a great while.
Q You say the old man, who was that? A Her husband, old man Colbert we called him, or Mayhew.
Q Said they had been to Kansas? A Yes sir, he come to my grandfather's frequently after we moved down there.
Q When did you first see them? A I think it was about '69.
Q Where were they living? A There close to Coffeyville, on the east side of the Verdigris River.
Q You know how long they had been living there? A Not exactly but it was somewhere in the latter part of '68 or '69, somewhere along there, I couldn't say just what time, hadn't been there but a short time.
Q She said she was hired out to Samuel Worcester, she was sold to him was she? A We bought them from Jake Bushyhead, and they xxxx worked their time out; that's what my mother tells me, you can get her evidence up there at Vinita if you want it.
BY MR. SMITH:
Q Well then all you know about it is what your mother told you, about her having belonging to Worcester? A That's all I know about that, yes.
Q When did your mother tell you that, after your father and mother sold her? A Why she was telling me about that the other day.
Q It was along after your father and mother owned her? A Yes sir.
Q And as to when she came back you don't know just when she came back? A Well we [illegible]

Susan Goody Sup:1.8

from Kansas up there; they may have come down before that, I don't know; but they moved from Kansas up there, I know about that time that was.

BY MR. SMITH: Applicant moves to strike out the testimony of the witness, that is, that part of the testimony relating to the ownership of the applicant, for the reason that it is purely hearsay, and that the statement made by his mother was not even made at the time when it could have been against her interest to make the statement.

BY MR. DAVENPORT: The Representatives of the Cherokee Nation contend that the statement made by the parties who were the former owners of the slave as to disposition is competent testimony.

COMMISSION: Objection noted, and the testimony will be made part of the record and considered for what it is worth.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this October 8th, 1901.

Commissioner.

Cherokee Freedmen 2 599

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., APRIL 2, 1906.

In the matter of the application of Susan Goody for enrollment as a Cherokee Freedmen:

SUPPLEMENTAL STATEMENT.

From an examination of the Cherokee census roll of 1867, made under authority of article twelve, section one, of the treaty of 1866, it appears that the applicant, Susan Goody, is identified thereon at page 238, Illinois District.

It is ordered that this statement be filed with and made a part of the record herein.

C. R. Breckinridge.
Commissioner.

Cherokee Freedmen D 650

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susan Coody for enrollment as a Cherokee Freedman:

DECISION

The record in this case shows that, on June 26, 1901, Susan Coody appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 27, 1901.

The evidence shows that the applicant, Susan Coody, was a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion; that, during said war, she left the Cherokee Nation but returned thereto in 1866.

The said Susan Coody is duly identified on the Cherokee census roll of 1867, made under authority of article twelve, section one, of the treaty of 1866.

The evidence further shows that the said Susan Coody has continuously resided in the Cherokee Nation since her return in 1866.

It is, therefore, the opinion of this Commission that the said Susan Coody should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this [redacted] 1901

FILED
AUG 3 1903
COMMISSION TO FIVE TRIBES.

WWH.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I.T., July 29th.,1903.

IN THE MATTER OF THE APPLICATION OF SUSAN COODY FOR ENROLLMENT AS A CHEROKEE FREEDMAN.

F.D. 880.

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on July 10th., 1903, and asks that the same be forwarded to the Secretary of the Interior for review.

The testimony in this case shows that the applicant had two witnesses, namely; Sam Webber, who testified that the applicant returned with her husband the latter part of July, and in numerous cases the Commission has found that none of the families of the colored people in that section of the country returned until the last of February or first of March, 1867, too late to qualify under the treaty. The other witness, Nelson Murrell, does not pretend to have seen her until the year of 1870.

Now the Cherokee Nation introduced John H. Coody, the former young master of the applicant before she was freed, who testifies that he saw her first in the year 1869, just after she had returned from the state of Kansas, and we submit that under this testimony that the applicant is not entitled to be enrolled as a freedman citizen of the Cherokee Nation.

Respectfully submitted,

L B Bell,

W W Hastings,

J A Davenport

Attorneys for the Cherokee Nation

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-280.

Muskogee, Indian Territory, July 17, 1905.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, granting the application of Susan Coody for the enrollment of herself as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Enc. M-19.

COPY.

Cherokee Freedmen
D-550

Muskogee, Indian Territory, August 10, 1908

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Susan Geedy for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated July 10, 1908, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-55

Cherokee Freedmen
D-880

Muskogee, Indian Territory, August 10, 1905.

Susan Coody,

Jeffersville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with the Commission's decision dated July 10, 1905, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-64
Register.

Commissioner in Charge.

COPY

LAND 51635-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated August 10, 1903, transmitting the record relative to the application of Susan Coody for enrollment as a Cherokee freedman.

July 10, 1903, the Commission held that Susan Coody was entitled to enrollment as a Cherokee freedman. The nation protests against the Commission's decision.

The evidence shows apparently that this applicant was at the commencement of the rebellion a free colored person residing in the Cherokee Nation. She formerly belonged to Charles Coody, who gave her to one of his sons, who traded her to Jake Bushyhead, who in turn sold her to one Worcester, a missionary, by whom she was given her freedom.

The evidence shows that she left the Cherokee Nation during the war, but she seems to have returned in 1866. John H. Coody, however, testified that the first time he saw her in the Cherokee Nation was during the year 1869. This testimony does not establish that the applicant did not return within the time limit fixed by the

treaty of 1866, and in fact the record does establish that she did so return. The Commission says that her name appears on the Cherokee census roll of 1867.

From the record in the case it is believed by the office that the applicant is entitled to enrollment as a Cherokee freedman, and the approval of the Commission's decision is therefore recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

GAW-Ma.

D. C. 15474-1904. JP THR LRS

DEPARTMENT OF THE INTERIOR,

ITD 2758-1904. WASHINGTON. May 11, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 30, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application for the enrollment of Susan Coody as a Cherokee freedman, and recommended that your decision of July 10, 1903, in favor of the applicant, be concurred in.

The Nation protested against your decision, contending that as John H. Coody, a master at one time of the applicant, testified that he "saw her first in the year 1869, just after she had returned from the State of Kansas," the party should not be enrolled.

The Department has taken into consideration this protest. It finds, as found by the Indian Office, that while Coody testified as stated in the protest, his testimony does not establish the fact that the applicant did not return to the Nation as alleged in her testimony and that of some of the witnesses, within the time fixed by the treaty.

Concurring in the recommendation of the Acting Commissioner your decision is hereby affirmed. A coyp of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-880.

Muskogee, Indian Territory, May 19, 1904.

Susan Coody,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission'd decision dated July 10, 1903, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
[illegible].

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

[illegible]

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting the application of Susan Coody for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Fr. 1340

N 956

DEPARTMENT OF T[illegible]
COMMISSION TO THE FIVE CIVILIZED TRI[illegible]

FILED

APR 4 1901

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, I.T., April 8, 1901.

In the matter of the application of Winnie Reeves for the enrollment of herself and three children as Cherokee Freedmen.

Winnie Reeves, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Winnie Reeves.
Q How old are you? A 45.
Q What is your post office address? A Muskogee now.
Q What district do you live in? A Illinois.
Q You make application to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No, sir.
Q Who do you desire to enroll besides yourself? A Myself and three children.
Q What is the name of the eldest child? A My eldest child is married, but her name is Rose.
Q We don't want her if she is married. A Well, Bennie.
Q How old is Bennie? A He is 18.
Q Is he named Reeves? A No, sir, Bennie Summer is his name.
Q What is the next child? A Charlie Summer.
Q How old is Charlie? A He is 16.
Q The name of the next one? A Estella Summer.
Q How old is Estella? A She is 13.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Ben Reeves.
Q Is he a Cherokee Freedman? A No, sir.
Q What is he? A United States Deputy Marshal, a white citizen.
Q Were you ever married before? A Yes, sir.
Q What was your former husband's name? A Benjamin Summer.
Q Is he living? A Yes, sir, I am divorced from him.
Q Where were you born? A I was born in Tahlequah, in the Cherokee Nation.
Q Were you born a slave? A Yes, sir.
Q What was your owner's name? A Chief Ross.
Q What is your mother's name? A Caroline Foreman.
Q Is she living? A Yes, sir.
Q What is your father's name? A Dred Foreman.
Q Is he living? A No, sir, he is dead.
Q Is your name on the roll of 1880? A No, sir, I wasn't here then.
Q Is your name on the roll of 1896? A Yes, sir, I think it is.
Q Why is your name not on the roll of 1880? A I wasn't here: my husband was a state man and I had to be with him and he was away.
Q Where were you in 1880? A I was in Kansas with my husband.
Q Were you married in Kansas? A No, sir, I was married in the Territory.
Q And you removed to Kansas? A Yes, sir.
Q How long did you live in Kansas? A I have been up there 18 or 19 years off and on.
Q When did you move back to the Territory? A I have been back here five or six years.
Q Did you live in Kansas up to the last that year: what year did you come back? A I came back here in 1894 or sometime ; in 1895.
Q Have you been here continuously since 1895? A Yes, sir.
Q You swore at the time that your father's name was Foster? A No, sir, his owner was Foster; that is true.
By U.F.Hastings, attorney for Cherokee Nation: You testified over at Muskogee that you came back here just before the payment, about three years ago? A Yes, sir.
Q The strip payment; you mean the Cherokee strip payment?
A Yes, sir.

Q That was born in the spring of 1887? A Well that is what I heard.
Q You testified there that you had been living in the State of Kansas ever since you were about 14 years old until that time?
A I never testified that, because I was 17 years old before I left here; I was married and had two children here.
Q In answer to the question, "And when did you leave the Territory," you say, "I left the Territory when I was about 14 years old."
A That is a mistake, because I was 17; I had two children born here; one of them is here.
Q You have been in Kansas up to the time you state, about three years ago, from that time? A Yes, sir.
Q When did you come back to the Cherokee Nation after the war?
A I came back with my parents, I was small then.
Q You were about ten or eleven years old? A I was that old I don't know, I don't recollect.
Q Do you recollect when you came back? A No, sir.
Q Do you know whether you came back from the north or south; where did they come from when they came back? A I guess my folks came from the north; Chief Ross brought them back, I don't know where they came from.
Q Where did you come to, Fort Gibson? A Fort Gibson.
Q You mean Chief John Ross? A William P. Ross.
Q His widow is living in Fort Gibson now? A Yes, sir.
Q She would know when you came back? A Yes, sir.
Q Then you lived here continuously up to the time that you state you were 17 years old and went to Kansas? A Yes, sir.
Q And lived there until about 3 years ago? A Yes, sir.

Commissioner Needles: You say you came back from Kansas about 1887?
A Yes, sir.
Q Have you been living here continuously since 1887? A Yes, sir.

Mr. Hastings: You live in Muskogee? A Yes, sir, my husband is United States Deputy marshal; I have to live there.
Q How long have you lived in Muskogee? A About 3 years.

Commissioner Needles: Have you any property in the Cherokee Nation?
A Over here I have.
Q Where was Bennie Skaggs born? A Kansas.
Q Charlie born in Kansas? A Yes, sir.
Q Was Estella born in Kansas? A Yes, sir.
Q Are they living with you now? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A It is on the Wallace roll I think; I got the money on that, and then I got the breed money.
Q Is your name on the roll of 1896? A I don't know whether it is.
The 1880 authenticated roll of Cherokee Freedmen examined, and and the name of the applicant not identified thereon.

Mr. Hastings: Did you apply to the Citizen-Kern Commission when they were enrolling five years ago? A Yes, sir, and they put me off at Vinita.
Q Did you draw strip money? A No, sir, I didn't get the strip; I got the $15.50 and $10.00.
Q Are your father and mother living? A Yes, sir.
Q Are they enrolled? A Yes, sir, my mother is; my father is dead.

The 1880 authenticated roll of Cherokee Freedmen examined, and the parents of applicant identified thereon as follows:
Bruce Perry on on page 289, No. 861, Illinois district.
Caroline Foreman on page 288, No. 834, Illinois district.

Commissioner Needles: Have you lived outside the Cherokee Nation, you and your children, since June 28, 1898? A No, sir.

W.H.- 8.

Q You had moved them to the Cherokee Nation with your children in 1897? A Yes, sir; two of my children have been here for about ten or fifteen years.

Q One of these three? A Yes, sir, one of them enrolled with his grandmother now, Sylvester.

Q I am talking about Bohlin, Charlie or Estella? A No, sir.

Q They came with you in 1897? A Yes, sir.

Q Then you were living here on the 28th of June, 1898? A Yes, sir.

Q Been living here since? A Yes, sir.

Mr. Hastings: You mean, when the Commission asked you if you have been living here continuously, that you lived here a year a while ago and that you have lived the last two years in Muskogee? A Yes, sir.

Q When did you acquire property in the Cherokee Nation? A I have always had a house and home here.

Q You mean your father and mother have had a house? A No, sir, I have had it of my own: my husband had.

Q Have you any property there? A No, sir, I just rent.

Q What did your husband do there? A My other husband was an engineer for a flour mill there.

Q This is your second husband? A Yes, sir.

Commissioner Needles: Was your first husband, Sumner, a Cherokee freedman? A No, sir, he was a state man.

Commissioner Needles: The name of Winnie Reeves is not found upon the census roll of 1896 or the authenticated roll of 1896. The names of her children, Bennie, Charlie and Estella Sumner, are not found upon the census roll of 1896. She avers that she was born a slave and that her mother was Caroline Foreman and her father Reed Foreman, and their names are found upon the authenticated roll of 1896. Because of the facts developed in the testimony as to her residence, final judgment as to the enrollment of the said Winnie Reeves and herein children as Cherokee freedmen will be suspended, and their names will be placed upon a doubtful case. Their names will be erased from rejected card No.886, and as ordered, placed upon a doubtful card.

oooooooooo

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 4th of April, 1901.

[illegible]

Commissioner.

B F 106

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 8 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 2- 1901

Post Office Tahlequah

District Illinois

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Minnie Reeves Age 43

Owners name Cherokee Roll Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. Bonnie Hemmer Year ..... Page ..... No. ..... Dist. 18
4. Charlie Summers Year ..... Page ..... No. ..... Dist. 16
5. Estella Summers Year ..... Page ..... No. ..... Dist. 13
6. Year ..... Page ..... No. ..... Dist. .....
7. Year ..... Page ..... No. ..... Dist. .....
8. Year ..... Page ..... No. ..... Dist. .....
9. Year ..... Page ..... No. ..... Dist. .....
10. Year ..... Page ..... No. ..... Dist. .....
11. Year ..... Page ..... No. ..... Dist. .....
12. Year ..... Page ..... No. ..... Dist. .....

Application made by Minnie Reeves Stenographer James B C.

(2) 40 Roll Enrolled on

[redacted] SUPPLEMENTAL [redacted]

[redacted] NO. [redacted]

****

[redacted]
[redacted]
Port Gibson, I. T. April, [redacted], 1901,

In the matter of the application of [redacted] Reeves, et al [redacted].

[redacted] Pack being called and sworn as a witness, testified as follows before Commissioner T. B. Breckinridge:

Q What is your name? A. Henry Peak.
Q What is your age? A. 28.
Q What is your post office? A. Tahlequah
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant here, Vinnie Reeves? A. Yes sir.
Q How long have you known her? A. Four or five years.
Q Has her name been Reeves during all that time? A. No sir, not when I first knew her.
Q What was it then? A. Skaggs.
Q Where did you first know her? A. At Tahlequah.
Q Have you known here continuously ever since? A. Yes sir.
Q Where has she been living during that time? A. In Tahlequah and then in Port Gibson and then at Muskogee.
Q She has married since you first met her has she? A. Yes sir.
Q And it has been four or five years since you first met her in Tahlequah? A. Yes sir.

[redacted] Peak, called and sworn by Commissioner T. B. Breckinridge as a witness testified as follows:

Q What is your name? A. Frank Peak.
Q How old are you? A. 40.
Q What is your post office address? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant here, Vinnie Reeves? A. Yes sir.
Q How long have you known her? A. When [redacted] I first knew her.
Q About how old were you when you first knew her? A. I dont remember but not I know it was in the time of the cholera year, in Tahlequah
Q And how long did you know her before she moved out of your sight?
Q [redacted]
Q [redacted]
A. No sir I could see her again from the time I lost sight of her in Tahlequah until I saw [redacted]
Q And she has been what you call her here? A. Yes.
Q What was her name when you first met her? A. Skaggs.
Q [redacted]
Q What is her name now? A. Reeves.
Q Where did she go when she left Tahlequah the last time? A. She [redacted]

Tinnie Bowen &c.

[illegible] LOWERY, called and sworn by C. R. Breckinridge as a witness, testified as follows:

Q What is your name? A. Nelson Lowery.
Q How old are you? A. 49.
Q What is your post office? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. Born and raised here.
Q Do you know the applicant here, Tinnie Bowen? A. Yes sir.
Q How long have you known her? A. Used to know her when we was little and went to school together. We lived around Tahlequah and when I was 14 years old I went away from there and stayed with my auntie and while I was away she left there and I never saw her again until 4 or 5 years ago.
Q Where was she then? A. In Tahlequah.
Q What was she doing there? A Looking for Tinnie Bowen.
Q What was her name when you first saw her in Tahlequah the last time? A. Bowen.
Q Do you know anything of her from the time that you went away from Tahlequah when you went to your auntie, and the time but you saw her in Tahlequah some 4 or 5 years ago? A. No sir nothing except that I heard she came here to Fort Gibson anytime went to [illegible]
Q That was since you knew her the last time was it not? A. Yes sir.
Q What became of her from the time she left Tahlequah while you were away at your auntie and the time that she came back some 4 or 5 years ago? A. I don't know about them.

Examination made by Cherokee Representative James Davenport:

Q You don't know when she came back after the war? A. I don't know.
Q You don't know where she was during the war? A. I don't know myself but I understand from the old Tahlequah ground, has heard them say that she was here at Fort Gibson and didn't go out at all.
Q You don't know where she was during the time that she testified while you were at your auntie and when she came back some years ago? A No sir.

By Com'r Breckinridge of the Applicant:

Q How many times have you been married? A. Twice.
Q What was the name of your first husband? A. Dan Bowen.
Q Is he dead? A. No sir.
Q When did you and he marry? A. In 1888.
Q Where did you marry? A. In Kansas.
Q What were you doing there? A. Working.
Q How long had you been there when you married? A. A year.
Q Where had you been before that? A. Here in Fort Gibson.
Q What was Dan Bowen's business? A. He was an engineer.
Q Engineer of what? A. A stone mill.
Q Was he a colored man? A. Yes sir.
Q Did he travel in Kansas all his life? A. No sir.
Q Where did he come from to Kansas? A. Texas.
Q What town did he live in Texas and work in a mill? A. Granger.
Q What is he doing now? A. I don't know sir.
Q Where is he living now? A. In the Choctaw Nation I think.
Q How long did you and he live together? A. Quite a good while.
Q Will about how many years? A. 15 or 20.
Q Did he obtain his freedom at Granger all that time? A. Yes sir.
Q You had several children born there in Kansas did you not? A. No all that were born in the territory did but one.
Q Which one was not born in the territory? A. Sylvester.

Q Where was Sylvester born? A. In Kansas.
Q Do you apply for the enrollment of that child? A. No sir he is with my mother.
Q That is your eldest child? A. No sir, Bessie.
Q Is he your youngest? A. No sir next to the eldest.
Q And all but him were born in the Cherokee Nation? A. Yes sir, they were born here and in the upper part of the Nation.
Q Then you spent part of your time while you were married to Bowen in the Cherokee Nation? A. Yes sir, most of the time.
Q Did he come down to see you? A. Yes sir.
Q You didn't go up there? A. No sir, I had a house down here and was working.
Q What work were you doing here? A. Laundry and cooking.
Q And during the greater part of the 16 or 17 years that you were married to him he continued his work in Kansas and would make trips down here to see you, and you had your house and land down here and worked here, is that right? A. Yes sir.
Q And you say you married him in Kansas after you had been there about a year ? A. Yes sir.
Q How did you happen to go up there that first time? A. Went there to work, there was not much work here then.

By Cherokee Representative James Davenport:-

Q You testified in this case once since you first made application for enrollment didn't you? A. Yes sir.
Q And in that testimony you testified that Bennie and Charles and Estella Bowen were born in Kansas didn't you? A. No sir he asked me where Sylvester was born and I said he was born in Kansas. Then others was born in the Territory.
Q You say you lived here on your farm, where was that farm? A I didn't say that I had a farm, said that I had a house and lot here.
Q How long have you owned that house and lot? A. About 26 years.
Q You left the Territory when you were 17 years old didn't you? A. Yes sir.
Q How many children did you have born before you left the Territory? A Two.
Q That was Rena and Sylvester? A. No sir Sylvester was not born here.
Q You remained in Kansas until 1897 after you went up there? A. No sir I didnt live in Kansas.
Q Didn't you say in answer to a question asked you by Commissioner Needles: " You say you came back from Kansas about 1897? A Yes, sir" Didn't you say that in your other application? A. I came from Tahlequah right here to get registered— I came right from Tahlequah then.
Q Didn't you say in answer to these questions by Commissioner Needles: " Q Have you lived outside of the Cherokee Nation, you and your children, since June 28, 1906? A. No sir. Q You had moved back to the Cherokee Nation with you children in 1897? A. Yes sir; two of my children have been here for about 10 or 12 years. Q One of them three? A. Yes sir, one of them enrolled with his grandmother now, Sylvester. Q I am talking about Bennie, Charles and Estella? A. No sir. Q They came with you in 1897? A. Yes sir " Didn't you swear that the last time you applied here? A. I cannot tell what I said exactly I might have been mistaken—I came here from Tahlequah to register.
Q Did you or did you not make those answers then? There was a stenographer taking down what you said wasn't there? A. Yes sir they was taking it down. I might have said it, I didn't remember the time I said exactly if I said it.
Q Has there been anything happened since here to refresh your memory so that you make a different statement now? A. Yes sir both of things

has happened since then.
Q You did come back to the Territory from Kansas when you made application for enrollment at the time they were issuing a roll of the Freedmen for the strip money? A. No sir I was here before that.
Q You say you were living here when you enrolled? A. Yes sir, I was right at Tahlequah all the time.
Q Didn't you testify in answer to a question asked you by Mr Hastings? " Q You testified over at Muskogee that you came back here just before the payment, about three years ago? A. Yes sir. Q The strip payment; you mean the Freedmen payment? A. Yes sir. Q. That was made in the spring of 1907? A. Well that is when I came.
A No sir I didnt come back then I was here long before that.
Q Then you testified to something that wasn't true when you made that statement to Mr. Hastings? A. I came from Tahlequah here—
Q I want to know if you made that statement to Mr Hastings or not?
A I dont know I might have, I was in Kansas and I was in Tahlequah and I came from Tahlequah right over here. I tried to register in Tahlequah.
Q If what you stated the other time is true then what you are telling now is not true— you dont mean to say that you are not talking the truth now? A. Yes sir every word I am saying is true.
Q Was the testimony which you gave the other time true? A. I might have got mistaken in some of it.
Q Is the testimony which you are giving today true? A. Yes sir.

By the Commission—

Q You say you had some children born before you went to Kansas? A. Yes sir.
Q You had some children born then before you married your first husband? A. Yes sir.
Q What were the names of these two children? A. [illegible] is one and one is dead.
Q Where were you during the war? A. Here.
Q Didn't your mother take you out? A. Yes sir.
Q Where did she take you to? A. Don't know, somewhere up north—Keetoo I think.
Q Did you come back here with your mother after he war? A. Yes sir I was a child.
Q Are you able to remember when you and your mother came back? A. No sir.
Q Are you able to remember having been away anywhere after he war? A No sir.
Q Who brought you back here ? A. Mrs W. P. Ross brought us back.
Q What is the name of Mrs. W. P. Ross? A. Mary Jane Ross.
Q Was she your mother's Mistress? A. Yes sir.
Q She would know all about your mother coming back wouldn't she? A Yes sir.

- - - - - - - - - - -

Then, you Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

Subscribed and sworn to before me this the 23rd of April, 1914, at Fort Gibson, I. T.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901



ACTING CHAIRMAN.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREVOORT,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 28th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of April 3rd, 1900 and one copy of the supplementary testimony of April 22nd, 1901, in the matter of the application of Winnie Reeves et al for enrollment as Freedmen of the Cherokee Nation.

Mcbeth & Smith

Attorneys for Applicants.

Cherokee F. #D6.

FILED

MAY 11 2009

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 18 1909

In the matter of the application for enrollment as a Choctaw freedman
[illegible]
Minnie Reeves, for herself, and for Sylvester, Jessie, Charlie, and
[illegible] Reeves.

Minnie Reeves, being duly sworn, deposes as follows:

Q. Minnie Reeves, what is your name?

A - Minnie Reeves.

Q - How old are you? A - 40 years old.

Q - What is your post office address? A - Antlers.

Q - Where do you live? A - In Antlers.

Q - How long have you been living here? A - Two years.

Q - Where live in the Choctaw Nation?

A - I was born and raised there.

Q - Have you lived outside the territory during the past three years? A - yes, sir.

Q - How much of the time?

A - All the time, most.

Q - When did you leave the territory?

A - I left the territory when I was quite a girl, about 16 years old.

Q - Where did you go? A - North.

Q - What state? A - Kansas.

Q - Were living there all the time?

A - Until I married and came down here.

Q - When did you come back here?

A - About three years ago. I came back just before the Choctaw payment.

Q - Have you been living here during all the last three years, in the territory?

A - yes sir, I have been here for three years.

Q - [illegible] A - Illinois.

Q - From which district were you enrolled in 1900?

A - I was enrolled in Leeds.

Q - Were you a citizen? A - yes, sir.

Q - Is that your signature?

A - I was quite small for a citizen, but my mother was K. Ka Ima; lived on Fort Gibson.

Q - What was your father's name? A - Ned Foreman.

Q - Was he a Cherokee Freedman? A - yes, sir.

Q - In which district did he belong? A - Illinois.

Q - Was your father's census [redacted]

Q - What was your mother's name? A - [redacted]

Q - Is she a Cherokee Freedman? A - yes, sir.

Q - Was your mother's census [redacted]

A - She belonged to K. Ka Ima.

Q - Are you married? A - yes, sir.

Q - What is the name of your husband?

A - Isaac Reeves, Deputy Marshal out here. He is a Creek man.

Q - Have you any children under 21 years of age? A - yes, sir.

Q - What is the name of the oldest? A - Irene, 24;

Q - How is next oldest age?

A - Ida, sir, she is 21. I have children under 21. I have a boy, Sylvester, 20, Irene, 18, Charlie, 15, Estella, 12.

Q - Did you ever have any other name than those that you gave us, Jennie and Bertha?

A - yes, sir, but my name isn't on the 1900 roll; it was Thomie Reeves on the other roll.

Your enrollment is rejected for the reason that your name is not found on the authenticated Cherokee roll of 1880.

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify that the foregoing is a true and correct transcription of the testimony taken and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application for enrollment as a Cherokee by blood.

[redacted]

FILED

MAY 11 1909

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MAY 11 1909

(R. 280

Commissioner to Negotiate Treaty with Creeks

CHEROKEE FREEDMEN.

Date 9/11 1890.

Name Minnie Reeves. age 16

District Illinois. Illinois 40. Year Page No.

Mother's citizenship Cherokee freedwoman Caroline Foreman. living

Married? yes. Isaac Reeves U.S. Cit

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

Wm	Dist.	Year	Page	No.	Age
Stephen Lee	Dist.	Year	Page	No.	Age 20
Minnie	Dist.	Year	Page	No.	Age 16
Charles	Dist.	Year	Page	No.	Age 10
Estella	Dist.	Year	Page	No.	Age 12
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

* One Minnie married a man by name of Sumner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED.
OCT 4 1901

ACTING CHAIRMAN.

SUPPLEMENTAL; C.T. D -6.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 24, 1901.

In the matter of the application of Winnie Reeves for enrollment as a Cherokee Freedman;

TESTIMONY ON BEHALF OF THE APPLICANT.

Appearances:
Applicant in person represented by Mr. Smith of Mellette and Smith, Vinita, I. T.
W.W. Hastings, appears as representative of the Nation.

EMILY HUMPHRIES, being sworn by Commissioner Needles, testified as follows:
BY MR. SMITH:

Q What is your name? A Emily Humphries.
Q What is your post-office? A Table Mush.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q How old are you? A Well as near as I can gather at my age I am 75 or 80. Lived in the Cherokee Nation all my life.
Q Do you know Winnie Reeves? A Yes sir, I know her.
Q You know her mother? A I knew her mother.
Q What's Winnie's mother named? A Caroline.
Q Was Winnie a slave before the war, and her mother Caroline? A Yes sir, she was a slave.
Q Who did she belong to? A She belonged to William Ross.

BY MR. HASTINGS:

Comes now the Representatives of the Cherokee Nation and object to any testimony being taken at this time up on the three points, as to ownership, return or residence of the applicant; for the reason that this matter was gone into and testimony introduced upon these three points on April 3rd, 1901.

BY MR. SMITH:

Now if the Court please, I want to state that counsel is mistaken and has not examined the record, because neither of these points was gone into. In the first place, applicant came out here, and was rejected because she was not on the 1880 roll, as one of the early rulings of the Commission. But afterwards she returned with one or two young witnesses, and none of them knew these facts which occurred in 1836.

BY COM'R NEEDLES:

Proceed with the testimony.

BY MR. SMITH:

Q Was William Ross a Cherokee Indian citizen? A Yes sir.
Q How old was this little girl, Winnie, at the time the war broke out? A She was quite a girl in time of the war.
Q About how old? A I don't really know how old she was.
Q Could you state how large she was? A Stout of a girl.
Q Where was she living, this girl Winnie, at the time the war came up? A She was living here with her mother.
Q At William P. Ross? A Yes sir.
Q Did you go out of the Cherokee Nation during the war yourself? A No sir.
Q Where were you during the war? A I were here during the war, right at Fort Gibson; I stayed a while right on the branch, and when the Federals moved here, but, I believe, I come here in Gibson and stayed until the war was over.
Q How long did you stay in Fort Gibson then after the war was over? A Well in fact the cholera broke out here and the doctor had us to move out on that is called the Four Mile Branch, to scatter around out, and I stayed there between three and four years right on the Branch, built out there and stayed there lived there.

built out there and stayed there, lived there.
Q Do you know whether this girl, Winnie Reeves, this girl Winnie and Caroline, her mother, were out of the Nation, during the war or not? A Well they were away from there I were of course.
Q Do you know when they came back? A I don't exactly know when they came back.
Q Did you see them here after the war? A Oh yes sir, I saw them frequently. Because I used to be here at Gibson, and passing used to see them. Winnie's father was living.
Q What was his name? A Bred Gunter, Bred Foreman some called him, but Gunter was his right name; went by his master's name; good many of us went by owners names.
Q Well then how long did you know this girl Winnie from that time that you spoke of when you first saw her back here? A Oh I saw her often back and forth, I don't know exactly howlong, but I used to see her all the time until she became grown.
Q Where was she living? A Down here in town.
Q At Fort Gibson? A Yes sir.
Q Wellwas it along time or a short time after the war before you first saw her after the war closed? A It was some time after the war closed before I saw her.
Q Could you state how long? A No sir, I don't know exactly how long.
Q Was it asmuch as a year?A Might have been something over a year.
Q You can't state just what time you did see her first?A No sir.
BY MR. HASTINGS:
Q You think it might have been as much as three years, aunty, after the war until you saw her first? A No sir, I don't think it was that long.
Q You think it might have been as many as two years after the war? A It might have been a little over a year.
Q You are not positive as to the length of time? A No.
Q You couldn't keep dates could you? A No.
Q You don't know anything about this woman living in Kansas? A No sir.
Q You don't know she lived there 20 years prior to 1897? A Did she? Well, I didn,t know that.
Q Up to four years ago you hadn't seen her here for a long time? A I saw her back and forth from Muskogee and here.
Q She testified she lived in Kansas a long time, you don't know anything about that? A No sir.
Q She testifies she came back here in '97; you hadn't seenher here right along before '97 had you? A I don't know, I don't know what '97 was.
Q You don't know how many years ago that was? A No I don't know.
Q You don't know what year the war closed do you? A I think I do.
Q Pretty hard matter for a person to keep all these dates? A Pretty hard matter for a person who has got no education.
BY MR. SMITH:
Q From the time this girl came a grown woman, from that time on, what was the next time you saw her? A Well to tell you the truth I can't tell you how long it was.
Q You said something about seeing her from time to time often and on? A I saw her back and forth from Muskogee to Gibson often and on
Q Was there ever as much as three years that you didn't see her? A I don't know, I wouldn't tell nothing but what I know.

CAROLINE FOREMAN, being sworn by Commissioner Needles, testified as follows:
BY MR. SMITH:
Q What is your name? A Caroline Foreman.
Q How old are you? A 60.
Q Where do you live? A Here in Gibson.

Q How long have you lived in Ft. Gibson? A Ever since I was a young girl about 10 years old.
BY MR. HASTINGS:
Q Didn't you live here in April when we was here before? A Yes sir, and I was here.
BY MR. SMITH:
I want to make this statement to the Court for my own benefit. At the time this woman was here in April she had no counsel, and she was rejected, and she has been here since-
BY MR. HASTINGS:
Comes now the Representatives of the Cherokee Nation and protests against the haring of this testimony, for the reason that this woman herself states that she was here in April, was accessible, could have been gotten, and it was the fault of the applicant that she was not at that time, and that this hearing was set here for the purpose, principally, of hearing testimony on the part of the Cherokee Nation and rebuttal testimony as against any new points brought out, and that that ought to be an end to the taking of testimony on these points already invested in.
BY MR. SMITH:
Q How long have you lived in Fort Gibson? A Well I have been living there nearly 60 years.
Q Do you know Winnie Reeves? A Yes sir, I do; she is my daughter.
Q Was she born before the war or after the war? A She was born before the war.
Q How old was she when the war commenced? A She was two or three years old when the war commenced.
Q Who did you belong to? A Mr. William Ross.
Q Was he a Cherokee? A Yes sir.
Q Who did Winnie belong to? A She belonged to Mr. Ross too; she was born there on the place in slave time.
Q Where were you living at the time the war commenced? A Living here in Gibson.
Q Where was Winnie? A She was here too.
Q Did you go outside of the Cherokee Nation during the war? A Yes sir, I went out; come back here in March.
Q What became of Winnie? A I brought her back too; I taken her out with me and I brought her back with me.
Q When did you bring her back? A In March, when Mr. Ross brought me back I brought Winnie back.
Q What year? A March, '66.
Q March, 1866? A Yes sir.
Q Where did you go to live? A Right where John Sanders lives now, I lived right there with Mr. Ross and Mrs. Ross, I cooked for them there; and my husband went out just across the hollow here and built a house, and I lived there.
Q Where was the Sanders place you are talking about? A Just down here a piece.
Q Was it in Fort Gibson? A Yes sir.
Q Winnie was with you? A Yes sir.
Q How long did Winnie stay with you? A She stayed with me until she was some 10 or 12 years old, and then her father was crippled and we hired her out.
Q Who did you hire her to? A To Mrs. Lipe and Carr and such folks as was around in Gibson here, to wash dishes.
Q How long did you keep her hired out? A I don't know, long time though, [redacted]
Q Give us your best judgment as to how long it was? A Well two or three years I guess.
Q Was she ever out of Fort Gibson from the time you brought her back here before she was grown? A No sir.
BY MR. HASTINGS:

Winnie Reeves 4

Q What name did she go by, Indian name? A Winnie Foreman.
Q What was her first husband's name? A Charley Smith.
Q Where did she marry Charley? A Here in Fort Gibson.
Q What year? A I don't know.
Q About how many years after the war? A I aint able to tell you, I can't keep no account of that at all.
Q Did she have any children by Smith? A Yes sir, 2.
Q What was their names? A Emma.
Q Where was Emma born? A Right here in Fort Gibson.
Q What is the next one's name? A Rose.
Q Where was Rose born? A Here in Fort Gibson.
Q Has she ever married since? A Yes sir, she married Ben Sumner.
Q Where did she marry him? A In Kansas I guess.
Q How long had she been in Kansas when she married him? A I don't know.
Q When did she leave here? A When Rose was a little toddling thing
Q She married up there a second time? A Yes sir.
Q Is she married now? A Yes sir. She has got Bass Reeves now.
Q Did you ever see her second husband? A Yes sir, come down here and lived here some three or four years.
Q Was she with him? A Yes sir, she was with him.
Q How when was that? A I don't know, but he was here; I don't know what year, nor nothing, but then they was here.
Q Where did she marry the last time? A She married in Muskogee.
Q When? A I don't know; some time about a year ago I think, she said she married.
Q When did she come back from Kansas down here? A I don't know.
Q You don't know the year of that? A No. I do not, I wasn't keeping no time of it at all.
Q If she testifies she lived up there 12 or 15 years, you think that is correct? A No, I know it aint correct, I knew that much, I know it aint correct.
Q How long was it after the war before she left here? A No sir
Q You don't know what year she came back? A No sir.
Q Nor how long she stayed there? A No sir, but they wasn't gone more than a year or so I don't reckon.
Q You don't reckon? A I don't think.
Q You don't know a thing in the world about dates? A No sir, I don't.
Q You don't know what year this is do you? A Oh yes I do.
Q What is it? A Oh I don't know what it is.

BY MR. SMITH:

Q How long was the longest time your daughter was away from you at any time after she had two first children? A About two years I guess.
Q Where have you lived all the time? A Lived right here in Fort Gibson all the time.

Com'r Needles: This testimony will be filed.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this September 25th, 1901.

T. R. Buckmaster

Commissioner.

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COMMISSION TO THE
FILED
AUG. 1 1902

Freed D 466

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of [redacted] ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, Vs. The Cherokee Nation, No. 17208 filed in the Mariah Hayden case F D 463, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Winnie Reeves, D 6;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., JULY 13, 1903.

In the matter of the application for the enrollment of Winnie Reeves et al. as Cherokee Freedmen:

SUPPLEMENTAL STATEMENT.

From an examination of the Cherokee census roll of 1896, it appears that the applicants are identified thereon as Cherokee Freedmen as follows:

Winnie Reeves, #478, as Winnie Smith;
Bennie Sumner, 478, as Bennie Smith;
Charlie Sumner, 479, as Charles Smith;
Estella Sumner, 480, as Estella Smith.

It is ordered that this statement be filed with and made a part of the record herein.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Winnie Reeves et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Winnie Reeves et al.----------Cherokee Freedmen D 6,
Sylvester Sumner----------Cherokee Freedmen D 9.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Winnie Reeves, for herself and minor children, Bennie, Charlie and Estella Sumner; and by Sylvester Sumner, for himself.

The evidence shows that the applicant, Winnie Reeves, was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, she left the Cherokee Nation but returned thereto in 1866.

The evidence further shows that the applicant, Sylvester Sumner, has been born since 1866 and is a descendant of and claims right to enrollment through the said Winnie Reeves, and that all the other applicants herein are the minor children of the said Winnie Reeves.

The evidence further shows that the said Winnie Reeves has continuously resided in the Cherokee Nation since her return in 1866, except from the year 1883 until 1897, during which time she was living in the State of Kansas; that the said Sylvester Sumner has resided in the Cherokee Nation since he was nine years of age. The residence of said minor applicants herein is considered to be the same as that of their mother.

It is, therefore, the opinion of this Commission that Winnie Reeves, Bennie Sumner, Charlie Sumner, Estella Sumner and Sylvester Sumner should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this [illegible]

COMMISSION TO INVESTIGATE

Department of the Interior
Commission to the Five Civilized Tribes
Tahlequah I. T. December 17th 1903.

In the matter of the application for the enrollment of Winnie Reeves et al, consolidating the cases of:
Winnie Reeves et al--Cherokee freedman D----------6
Sylvester Sumner, Cherokee freedman D 9.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case of December 1st 1903 and asks that same be forwarded to the Honorable Secretary of the Interior for Review.

The Commission finds in this case that the Principal Applicant lived in the State of Kansas from the year 1883 until 1897 and it is admitted that she perhaps returned to the Territory in 1897 but we are at a loss to know from what source the date 1883 is gotten. Winnie Reeves in her own testimony clearly shows that she was not here in 1880 because in answer to this question "Is your name on the roll of 1880?" she replied "No sir I wasn't here then." And in fact the testimony all through tends to show that prior to 1880, she removed to the State of Kansas, married there and lived in and about Osage, Kansas for a period of at least seventeen years She was twice married in the State of Kansas and while she with all other applicants contend that she was back and forth in the Territory yet there is no testimony introduced in the case tending to show that she ever resided in the Cherokee Nation between the years of 1880 and 1897 although she may have made occasional visits.

The principal applicant with these children as above stated for a period of seventeen years lived without the limits of the Cherokee Nation and there is not a bit of testimony tending to show that during this time she owned any property within the limits of the Cherokee Nation nor was her name carried upon any of the tribal rolls nor was she otherwise identified with the Cherokee Nation as being a citizen thereof.

It makes no difference if these applicants are freedmen; so far as questions of citizenship are concerned they are tried upon the tests as if they were Cherokees by Blood. These applicants could not have resided for seventeen years in the State of Kansas where the husband and father was a citizen and voter without losing their citizenship in the Cherokee Nation

The name of the Principal Applicant is not upon the 1880 roll and none of their names appear upon the roll of 1896.

The Cherokee Nation contends that under Article I Section II of the Cherokee Constitution, which provides that "Whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other Government all of his rights and privileges as a citizen of this nation shall cease" that these applicants are not entitled to be enrolled as citizens of the Cherokee Nation. They did remove out of the limits of this nation; they never left any effects behind them; the principal applicant Winnie Reeves married two husbands in the State of Kansas where both were citizens and necessarily she and her children became citizens of the State of Kansas and it is therefore contended that under the above section of the Constitution none of these applicants are entitled to be enrolled as Freedmen citizens of the Cherokee Nation.

Respectfully,

I D Bell
W W Hastings
Jos Davenport
Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Winnie Reeves,
Muskogee, Indian Terri tory.
Cherokee F-D-6.
Register.
Copy to Mellette & Smith,
Vinita, I.T.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

S. D. J.R. 27

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 13 1900

ACTING CHAIRMAN.

COMMISSIONERS.
Henry L. Dawes,
Tams Bixby,
Archibald S. McKennon,
Thomas B. Needles.

Alexander L. Wolfchester, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., June 4, 1900.

Winnie Reeves,

Muskogee, Indian Territory.

Dear Madam:-

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will therefore be given a further hearing at any one of the points named on the enclosed circular, or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900.

Yours truly,

Acting Chairman.

Chero. 2.

OCR2

Cherokee Freedmen
D-C-9.

Muskogee, Indian Territory, December 3, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 1, 1903, in the consolidated case of Winnie Reeves et al., granting the applications for the enrollment of Winnie Reeves and Bonnie, Charlie, Estella and Sylvester Sumner, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. D-9.

Chairman.

COPY.

Cherokee Freedmen
R-6

Muskogee, Indian Territory, January 8, 1904.

Edgar Smith,
Attorney for Winnie Reeves, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1903, granting, among others, the application of Winnie Reeves for the enrollment of herself and her three minor children, Bennie, Charlie and Estella Sumner, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-10
Register.

Cherokee Freedmen
B-6

Muskogee, Indian Territory, January 8, 1904.

Winnie Reeves,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1903, granting, among others, your application for the enrollment of yourself and your three minor children, Bonnie, Charlie and Estella Sumner, as Cherokee Freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-9
Register.

Chairman.

COPY

Muskogee, Indian Territory, January 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Winnie Reeves, et al., including the Commission's decision, dated December 1, 1903, granting the application for the enrollment of Winnie Reeves and Bunnie, Charlie, Estelle and Sylvester Sumner as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is inclosed.

Respectfully,

Chairman.

Encl. V-12

Through the
Commissioner of Indian Affairs.

LAND 1820-1904.

C O P Y.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, APRIL 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated January 5, 1904, transmitting the record relative to the application of Winnie Reeves et al., for enrollment as Cherokee freedmen.

Winnie Reeves applied for the enrollment of herself and her minor children, Bennie, Charlie, and Estella Sumner, and Sylvester Sumner applied for the enrollment of himself. The Commission, under date of December 1, 1903, held that all of the applicants are entitled to enrollment as Cherokee freedmen.

The Cherokee Nation protests against the Commission's decision.

The record shows that Winnie Reeves was the slave of William P. Ross, a citizen of the Cherokee Nation, at the Commencement of the war. She appears to have been born in 1860. She resided in the Cherokee Nation until she was about fourteen years of age, when she went to the State of Kansas. She returned to the Cherokee Nation in 1897.

Sylvester Sumner was born since 1886, and is a descendant

of Winnie Reeves, as are the minor applicants.

The record also shows that the principal applicant was taken out of the Cherokee Nation during the war, but that she returned prior to Feby 11, 1867. It is shown that her removal from the Cherokee Nation when she was fourteen or seventeen years of age (she testified at one examination that she was fourteen when she removed and at another that she was seventeen when she went to Kansas) was for the purpose of finding employment. She appears to have always claimed the Cherokee Nation as her home. There is nothing in the record which shows that she became a citizen of any other jurisdiction, and under the holding of the Department in the Yeargain case, it is believed that all of the applicants are entitled to enrollment. The approval of the Commission's decision is therefore recommended.

Very respectfully,

W. A. Jones

Commissioner.

G A W -L C.

E. C. 13473-1904. [illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITB 3474-1904. May 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 6, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of Winnie Reeves et al., (F.D.6-9), including your decision of December 1, 1903, granting the application for the enrollment of Winnie Reeves and Bennie, Charlie, Estella and Sylvester Sumner.

The Cherokee Nation protests against your decision.

Reporting in the matter April 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision, in so far as it declares the applicants entitled to enrollment, is affirmed.

Respectfully,

E. A. Hitchcock

Secretary.

1 inclosure.

Cherokee Freedmen
D-6-9.

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1903, in the consolidated case of Winnie Reeves et al, granting the applications for the enrollment of Winnie Reeves, Sylvester, Bennie, Charlie and Estella Sumner as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 9, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-6.

Muskogee, Indian Territory, May 12, 1904.

Edgar Smith,

Attorney for Winnie Reeves et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1903, granting, among others, the application for the enrollment of Winnie Reeves, Bennie, Charlie and Estella Sumner, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 9, 1904.

Respectfully,

Commissioner in Charge.

Cher-Okie Freedmen
E-6.

Muskogee, Indian Territory, May 19, 1906.

Winnie Towers,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated December 1, 1905, granting, among others, your application for the enrollment of yourself and your three minor children, Bennie, Charlie and Estella Summer, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 9, 1906.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
1340

Muskogee, Indian Territory, January 5, 1905

Bennie Sumner,

Coalgate, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of December 28, 1904, asking to be advised whether or not you have been enrolled as a citizen of the Cherokee nation.

In reply you are advised that the name "Bennie Sumner" appears upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904, opposite No. 3698.

Respectfully,

(SIGNED) Tams Bixby.
Chairman

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



JAN 1904

innie Reeves

Muskogee, Indian Territory.

REGISTERED
FEB 27 1904
MUSKOGEE, IND. TER.

REGISTERED
JAN 6 1904
MUSKOGEE, IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

3653

Mrs. Winnie Reeves,

Muskogee, Indian Territory.

Cr Fr 1341

FILED
1901

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 8, 1901.

In the matter of the application of Sylvester Summer for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sylvester Summer.
Q How old are you? A 22.
Q What is your postoffice address? A Ft. Gibson.
Q What district do you live in? A Illinois.
Q Do you apply to be enrolled as a Freedman of the Cherokee Nation?
A Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other nation or tribe? A No sir.
Q Whom do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A Ben Summer.
Q He living? A Yes sir.
Q What is your mother's name? A Winnie.
Q She living? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A '96.
Q Is your mother here? A Yes sir.

Winnie Reeves, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Winnie Reeves.
Q How old are you? A 45.
Q What is your postoffice address? A Muskogee.
Q You know Sylvester Summer? A Yes sir, he is my son.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir, it isn't on the roll.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A William P. Ross.
Q Where were you at the beginning of the war between the United States and the Confederacy? A I was here with my mother.
Q In the Cherokee Nation? A Yes sir.
Q Were you taken out during the war? A Yes sir, I was taken out; I don't know where.
Q How long did you stay out? A I don't know, I told you yesterday we were here before the treaty.
Q Have you been here ever since? A No sir, I haven't been here ever since, until I was about 18 years old; I married a State man; been backward and forward here.
Q Did you take this child with you when you went backward and forward?
A Yes sir, he was back here when he was nine years old; never been away since. He is enrolled with his grandmother.
Q Why is not your name on the roll of 1880? A I wasn't here at this time; I was away with my husband.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant, nor that of his mother, are found thereon.

Applicant states: My name will be on the 1896 roll as Sylvester Foreman; I was living with my grandmother.

Mrs. Winnie Reeves further testified-
Q Did you draw your strip money? A No sir.
Q Did this boy draw? A Yes sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 249, No. 252, Sylvester Foreman, Illinois District.

E. S. S.

Applicant testified:
Q If your name is Sylvester Summer, how does it happen to be Sylvester Foreman in 1896? A I was living with my grandmother and went by her name.
Q What is her name? A Caroline Foreman.

Mr. W. W. Hastings examines Winnie Reeves, witness:-
Q Where was Sylvester born, in Kansas? A Yes sir.
Q In what year? A 1878.
Q Is he your oldest child? A No sir, not my oldest.
Q What was your oldest child? A Joe, Rosa.
Q Is her name Summer? A Yes sir.
Q Where was she born? A In the territory.
Q Is he your second child? A No sir, third child.
Q Where was your second child born? A In the territory.
Q When did you testify yesterday that you came back to the Cherokee Nation? A Just before the census was taken to stay.
Q That was in '96? A Yes sir, I think.
Q I believe you said they didn't enroll you in '96? A No sir, because I didn't pay them [illegible] the money $10.60. I didn't pay the money because I didn't think I ought to.
Q You went out about '77 or '78? A I went out just a little while before he was born.
Q Where did you say you lived? A In Oswego, Kansas, that was where my husband was at work; that is where I lived.

Commissioner-
Q Were you living in Kansas when this boy, Sylvester, was born?
A Yes sir, because my husband was there.
Q When did this boy come back to the territory? A Ever since he was nine years old.
Q Been here all the time since he was nine yearsold? A Yes sir, with his grandmother.
Q He came back from Kansas before you did? A Yes sir, I sent him back.
Q Was he living here in 1896? A Yes sir, he's been here ever since he was nine years old; hasn't been anywhere else I guess.
Q Where did you live during the war? A I was here with my mother. I was quite small then.
Q When did you leave here to go to Kansas? A I don't know which year it was. I had two children here, and then left after that.
Q Left after that and went to Kansas? A Yes sir.
Q Were you here at the time the treaty was ratified? A It was before, mother said.
Q Were you here at that time? A Yes sir.
Q You never came back to the territory yourself until-when did you come back to the territory? A I came back before the payment.
Q You live in Kansas now? A No sir.
Q You live here now? A Yes sir.
Q How long have you lived in the territory? A I lived here before they began making the census in '96.

Examination by Mr. W. W. Hastings representative of the Cherokee Nation-
Q Lived here permanently since that time on? A Yes sir, never been anywhere else.
Q You live in Muskogee now? A Yes sir. My husband is marshall there

Commissioner-

The name of Sylvester Summer is found upon the census roll of 1896 as Sylvester Foreman; his name is not upon the authenticated roll of 1880. No good satisfactory reason as to why his name is Foreman on the 1896 roll; he is duly identified

E. B. S.

as the applicant. Because of the fact of his nonresidence and the residence of his mother, further judgment as to his enrollment as a Cherokee Freedman will be withheld and his name will be placed upon a doubtful card. Reference is made also to the testimony given by his mother, Card No. D - 6. His name will be removed from rejected card No. 26 and placed upon a doubtful card.

The undersigned, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. L. Rothenberger

Subscribed and sworn to before me this 8th day of April, 1908.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 4 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 4 1901

Post Office Fort Gibson

District Illinois

1. Name Sylvesta Summer Age 22

Owner's name Citizenship

Year 1896 Page 949 No. 252 District Illinois

Parents:

Father Ben Summer Citizenship Colored

Mother Winnie Summer Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Now Stenographer Rothenberger E. G.

(1) on 1896 Roll as Sylvesta Foreman.

Doubtful

No 9

Also Figures; Person Made - See reference on Cherokee Freedmen Doubtful pockets Nos 6 and 9

CLERK
1961
CIVIL

Where were you during the [illegible]?

Mogabo I think.

Did you come back?

I was a child.

Do you remember anything else?

No sir.

Are you able to remember anything else?

No sir.

Who told you to remember?

Mr. [illegible].

Has anyone mentioned [illegible]?

Yes sir.

Who?

Mr. [illegible].

Was she present?

Yes sir.

Where did you take your mother?

Ibadan, somewhere [illegible].

Where did she take you?

[illegible]

Where were you during the [illegible]?

[illegible]

Mogabo I think.

Did you come back?

I was a child.

Do you remember anything else?

No sir.

Are you able to remember anything else?

No sir.

Who told you to remember?

Mr. [illegible].

Has anyone mentioned [illegible]?

Yes sir.

Who?

Mr. [illegible].

Was she present?

Yes sir.

Where did you take your mother?

Ibadan, somewhere [illegible].

Where did she take you?

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muscogee, May 11th, 1900.

In the Matter of the application for enrollment as a Cherokee Freedman by Winnie Reeves, for herself, and for Sylvester, Benny, Charlei, and Estella Reeves.

Winnie Reeves, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A Winnie Reeves.

Q How old are you? A 40 years old.

Q What is your postoffice address? A Muscogee.

Q Where do you live? A In Muscogee.

Q How long have you been living here? A Two years.

Q Ever live in the Cherokee Nation? A I was born and raised there.

Q Have you lived outside the Territory during the past three years?

A Yes, sir.

Q How much of the time? A All the time, most.

Q When did you leave the Territory? A I left the Territory when I was quite a girl, about 14 years old.

Q Where did you go? A North.

Q What state? A Kansas.

Q Been living there all the time? A Until I married and came down here.

Q When did you come back here? A About three years ago: I came back just before the Cherokee Payment.

Q Have you been living here during all the last three years, in the Territory? A Yes, sir, I have been here for three years.

Q To which district do you belong? A Illinois.

Q From which district were you enrolled in 1880? A I wasn't enrolled in 1880.

Q Were you a slave? A Yes, sir.

Q Who was your owner? A I was quite small for a slave, but my owner was N. P. Ross; lived at Fort Gibson.

Q What was your father's name? A Bred Foreman.

Q Was he a Cherokee Freedman? A Yes, sir.

Q To which district did he belong? A Illinois.

Q Who was your father's owner? A Gunter.

Q What was your mother's name? A Caroline Foreman.

Q Is she a Cherokee Freedman? A Yes, sir.

Q Who was your mother's owner? A She belonged to N. P. Ross.

Q Are you married? A Yes, sir.

Q What is the name of your husband? A Bass Reeves, Deputy Marshall out here. He is a Statesman.

Q Have you any children under 21 years of age? A Yes, sir.

Q What is the name of the eldest? A Rosa, 24.

Q She is not under age? A No, sir, she is 24. I have children under 21. I have a boy, Sylvester, 20, Benny, 16, Charlie, 15, Estella, 12.

Q Did you ever have any other name than those that you gave us, Reeves and Foreman?

A Yes, sir, but my name isn't on the 1880 roll; it was Winnie Harper on the other rolls.

Your enrollment is refused for the reason that your Name not found on the authenticated Cherokee roll of 1880.

Department of the Interior, Commission to the Five Civilized Tribes. - I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Signed, Bruce C. Jones.

- -

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 5, 1901.

In the matter of the application of Winnie Reeves for the enrollment of herself and three children as Cherokee Freedmen.

Winnie Reeves, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Winnie Reeves.
Q How old are you? A 45.
Q What is your postoffice address? A Muskogee Nov.
Q What district do you live in? A Illinois.
Q You make application to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No, sir.
Q Who do you desire to enroll besides yourself? A Myself and three children.
Q What is the name of the eldest child? A My oldest child is married, but her name is Ross.
Q We don't want her if she is married? A Well, Bennie.
Q How old is Bennie? A He is 18.
Q Is he named Reeves? A No, sir, Bennie Sumner is his name.
Q What is the next child? A Charlie Sumner.
Q How old is Charlie? A He is 16.
Q The name of the next one? A Estella Sumner.
Q How old is Estella? A She is 15.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Bass Reeves.
Q Is he a Cherokee Freedman? A No, sir.
Q What is he? A United States Deputy Marshal, a white citizen.
Q Were you ever married before? A Yes, sir.
Q What was your former husband's name? A Benjamin Sumner.
Q Is he living? A Yes, sir, I am divorced from him.
Q Where were you born? A I was born in Tahlequah, in the Cherokee Nation.
Q Were you born a slave? A Yes, sir.
Q What was your owner's name? A Chief Ross.
Q What is your mother's name? A Caroline Foreman.
Q Is she living? A Yes, sir.
Q What is your father's name? A Fred Foreman.
Q Is he living? A No, sir, he is dead.
Q Is your name on the roll of 1880? A No, sir, I wasn't here then.
Q Is your name on the roll of 1896? A Yes, sir, I think it is.
Q Why is your name not on the roll of 1880? A I wasn't here; my husband was a state man and I had to be with him and he was away.
Q Where were you in 1880? A I was in Kansas with my husband.
Q Were you married in Kansas? A No, sir, I was married in the Territory.
Q And you removed to Kansas? A Yes, sir.
Q How long did you live in Kansas? A I have been up there 18 or 18 years off and on.
Q When did you move back to the Territory? A I have been back here five or six years.
Q Did you live in Kansas up to about what year: what year did you come back? A I came back here in 1896 or sometime: in 1895.
Q Have you been here continuously since 1895? A Yes, sir.
Q You swore at one time that your father's name was Sumter? A No, sir, his owner was Sumter: that is true.
Q By Mr. Mehlin, attorney for Cherokee Nation: You testified over at Muskogee that you came back here just before the payment, about three years ago? A Yes, sir.
Q The strip payment: you mean the Freedmen strip payment? A Yes

sir.

Q That was made in the spring of 1897? A Well that is when I came.

Q You testified there that you had been living in the State of Kansas ever since you were about 14 years old until that time?

A I never testified that, because I was 17 years old before I left here: I was married and had two children here.

Q In answer to the question "When did you leave the Territory," you say, "I left the Territory when I was about 14 years old."

A That is a mistake, because I was 17; I had two children born here; one of them is here.

Q You have been in Kansas up to the time you state, about three years ago, from that time? A Yes, sir.

Q When did you come back to the Cherokee Nation after the war?

A I came back with my parents, I was small then.

Q You were about ten or eleven years old? A I was that old I don't know, I don't recollect.

Q Do you recollect when you came back? A No, sir.

Q Do you know whether you came back from the north or south: where did they come from when they came back? A I guess my folks came from the north: Chief Ross brought them back, I don't know where they came from.

Q Where did you come to, Fort Gibson? A Fort Gibson.

Q You mean Chief John Ross? A William P. Ross.

Q His widow is living in Fort Gibson now? A Yes, sir.

Q She would know when you came back? A Yes, sir.

Q Then you lived here continuously up to the time that you state you were 17 years old and went to Kansas? A Yes, sir.

Q And lived there until about 3 years ago? A Yes, sir.

Commissioner Needles: You say you came back from Kansas about 1897? A Yes, sir.

Q Have you been living here continuously since 1897? A Yes, sir.

Mr. Hastings: You live in Muskogee? A Yes, sir, my husband is United States Deputy marshal; I have to live there.

Q How long have you lived in Muskogee? A About 2 years.

Commissioner Needles: Have you any property in the Cherokee Nation? A Over here I have.

Q Where was Bennie Sumner born? A Kansas.

Q Charlie born in Kansas? A Yes, sir.

Q Was Estella born in Kansas? A Yes, sir.

Q Are they living with you now? A Yes, sir.

Q Is your name on any of the rolls of the Cherokee Nation?

A It is on the Wallace roll I think: I got the money on that, and then I got the breed money.

Q Is your name on the roll of 1880? A I don't know whether it is.

The 1880 authenticated roll of Cherokee Freedmen examined, and the name of the applicant not identified thereon.

Mr. Hastings: Did you apply to the Clifton-Kern Commission when they were enrolling five years ago? A Yes, sir, and they put me off at Vinita.

Q Did you draw strip money? A No, sir, I didn't get the strip: I got the $15.80 and $10.80.

Q Are your father and mother living? A Yes, sir.

Q Are they enrolled? A Yes, sir. My mother is: my father is dead.

The 1880 authenticated roll of Cherokee Freedmen examined, and the parents of applicant identified thereon as follows:

Brad Foreman on page 330, No. 611, Illinois district.

Caroline Foreman on page 329, No. 604, Illinois district.

Commissioner: Have you lived outside the Cherokee Nation, you and your children, since June 28, 1906? A No, sir.

Q You had moved them to the Cherokee Nation with your children in 1897? A Yes, sir: two of my children have been here for about ten or fifteen years.

-4-

Q One of these three? A Yes, sir, one of them enrolled with his grandmother now, Sylvester.
Q I am talking about Bennie, Charlie or Estella? A No, sir.
Q They came with you in 1887? A Yes, sir.
Q That you were living here on the 28th of June, 1898? A Yes, sir.
Q Been living here since? A Yes, sir.
Mr. Hastings: You mean, when the Commission asked you if you have been living here continuously, that you lived here a year a while ago and that you have lived the last two years in Muskogee? A Yes, sir.
Q When did you acquire property in the Cherokee Nation? A I have always had a house and home here.
Q You mean your father and mother have had a house? A No, sir, I have had it of my own: my husband has.
Q Have you any property there? A No, sir, I just rent.
Q What did your husband do there? A My other husband was an engineer for a flour mill there.
Q This is your second husband? A Yes, sir.
Commissioner Needles: Was your first husband, Sumner, a Cherokee freedman? A No, sir, he was a state man.

Commissioner Needles: The name of Winnie Reeves is not found upon the census roll of 1896 or the authenticated roll of 1880. The names of her children, Bennie, Charlie and Estella Sumner, are not found upon the census roll of 1896. She avers that she was born a slave and that her mother was Caroline Foreman and her father Fred Foreman, and their names are found upon the authenticated roll of 1880. Because of the facts developed in the testimony as to her residence, final judgment as to the enrollment of the said Winnie Reeves and her said children as Cherokee Freedmen will be suspended, and their names will be placed upon a doubtful card. Their names will be erased from rejected card No. 28, and as ordered, placed upon a doubtful card.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones.

Sworn to and subscribed before me this the 4th of April, 1901.
Signed, T. B. Needles,
Commissioner.

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Supplemental Testimony,
Cherokee Freedmen Doubtful No. 49.

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, I.T., April 2nd, 1901.

In the matter of the application of Winnie Reeves, et al. Cherokee Freedmen.

HENRY PACE being called and sworn as a witness, testified as follows before Commissioner T. B. Needles:

Q What is your name? A Henry Pace.
Q What is your age? A 48.
Q What is your postoffice? A Tahlequah.

Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant here, Minnie Reaves? A Yes sir.
Q How long have you known her? A Four or five years.
Q Has her name been Reaves during all that time? A No sir, not when I first knew her.
Q What was it then? A Sumner.
Q Where did you first know her? A Tahlequah.
Q Have you known her continuously ever since? A Yes sir.
Q Where has she been living during that time? A In Tahlequah and then in Fort Gibson and then at Muskogee.
Q She has married since you first met her has she? A Yes sir.
Q And it has been four or five years since you first met her in Tahlequah? A Yes sir.

FRANK PACE, called and sworn by Commissioner C. R. Breckinridge as a witness testified as follows:
Q What is your name? A Frank Pace.
Q How old are you? A 40.
Q What is your postoffice address? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant here, Minnie Reaves? A Yes sir.
Q How long have you known her? A When we were small I first knowed her.
Q About how old were you when you first knew her? A I don't remember that but I know it was in '88 - time of the election over, in Tahlequah.
Q And how long did you know her before she passed out of your sight?
A Didn't see her for quite a while.
Q There were a number of years that you didn't see her? A No, sir I didn't see her again from the time I lost sight of her in Tahlequah until 4 or 5 years ago.
Q What was her name when you first knew her? A Sumner.
Q What was her name when you first met her four or five years ago?
A Sumner.
Q What is her name now? A Reaves.
Q Where did she go when she left Tahlequah the last time? A She is said to have come here and then to have gone to Muskogee.

NELSON LOVELY, called and sworn by C. R. Breckinridge as a witness, testified as follows:
Q What is your name? A Nelson Lovely.
Q How old are you? A 60.
Q What is your postoffice? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Do you know the applicant here, Minnie Reaves? A Yes sir.
Q How long have you known her? A Used to know her when we was little and went to school together. We lived around Tahlequah and when I was 14 years old I went away from there and stayed with my uncle and while I was away she left there and I never saw her again until 4 or 5 years ago.
Q Where was she then? A In Tahlequah.
Q What was she doing there? A Cooking for Susie Brown.
Q What was her name when you first saw her in Tahlequah the last time? A Sumner.
Q Do you know anything of her from the time that you went away from Tahlequah when you went to your uncle, and the time that you saw her in Tahlequah some 4 or 5 years ago? A No sir nothing except that I heard she came here to Fort Gibson and then went to Muskogee.
Q That was about you last saw her the last time and it was? A Yes sir.
Q That became of her from the time she left Tahlequah while you

were away at your aunts and the time that she came back home 4 or 5 years ago? A I don't know about that.

Examination by Cherokee Representative James Davenport:

Q You don't know when she came back after the war? A I don't know.

Q You don't know where she was during the war? A I don't know myself but I understand from the old folks around, but heard them say that she was here at Fort Gibson and didn't go out at all.

Q You don't know where she was during the time that she went away while you were at your aunts and when she came back home here at?

A No sir.

By Cherokee Representative James Davenport:

Q How many times have you been married? A Twice.

Q What was the name of your first husband? A Ben Sumner.

Q Is he dead? A No sir.

Q When did you and he marry? A In 1881.

Q Where did you marry? A In Kansas.

Q What were you doing there? A Working.

Q How long had you been there when you married? A A Year.

Q Where had you been before that? A Here in Fort Gibson.

Q What was Ben Sumner's business? A He was an engineer.

Q Engineer of what? A A flour mill.

Q Was he a colored man? A Yes sir.

Q Had he lived in Kansas all his life? A Yes sir No sir.

Q Where did he come from to Kansas? A Texas.

Q What town did he live in Kansas and work in a mill? A Oswego.

Q What is he doing now? A I don't know sir.

Q Where is he living now? A In the Chester Nation I think.

Q How long did you and he live together? A Quite a good while.

Q Well about how many years? A 16 or 17.

Q Did he follow his business at Oswego all that time? A Yes sir.

Q You had several children born there in Kansas did you not? A No sir they were born in the Territory all but one.

Q Which one was not born in the Territory? A Sylvester

Q Where was Sylvester born? A In Kansas.

Q Do you apply for the enrollment of that child? A No sir he is with my mother.

Q What is your oldest child? A No sir, Rose.

Q Is he your youngest? A No sir next to the oldest.

Q And all but him were born in the Cherokee Nation? A Yes sir, they were born here and in the upper part of the Nation.

Q When you spent part of your time while you were married to Sumner in the Cherokee Nation? A Yes sir, most of the time.

Q Did he come down to see you? A Yes sir.

Q You didn't go up there much? A No sir, I had a home down here and was working.

Q What work were you doing here? A Laundry and cooking.

Q And during the greater part of the 16 or 17 years that you were married to him he continued his work in Kansas and would make trips down here to see you, and you had your house and land down here and worked here, is that right? A Yes sir.

Q And you say you married him in Kansas after you had been there about a year? A Yes sir.

Q How did you happen to go up there that first time? A Went there to work, there was not much work here then.

By Cherokee Representative James Davenport:

Q You testified in this case once had since you first made application for enrollment didn't you? A Yes sir.

Q And in that testimony you testified that Bennie and Charles and Lucille Sumner were born in Kansas didn't you? A No sir he said he knew Sylvester was born and I said he was born in Kansas. Then others was born in the Territory.

Q You say you lived here on your farm, where was that farm? A I

didnt say that I had a farm, said that I had a house and lot here.
Q How long have you owned that house and lot? A About 20 years.
Q You left the Territory when you were 17 years old didn't you?
A Yes sir.
Q How many children did you have born before you left the Territory?
A Two.
Q That was Rosa and Sylvester? A No sir Sylvester was not born here.
Q You remained in Kansas until1897 after you went up there? A No sir I didnt live in Kansas.
Q Didn't you say in answer to a question asked you by Commissioner Needles: "you say you came back from Kansas about 1897? A Yes, sir." Didn't you say that in your other application? A I came from Tahlequah right here to get registered I came right from Tahlequah then.
Q Didn't you say in answer to these questions by Commissioner Needles: "Q Have you lived outside of the Cherokee Nation, you and your children, since June 28, 1898? A No sir. Q You had moved them to the Cherokee Nation with your children in 1897? A Yes sir: two of my children have been here for about 10 or 15 years. Q One of these three? A Yes sir, one of them enrolled with his grandmother now, Sylvester. Q I am talking about Bennie, Charles and Estella? A No sir. Q They came with you in 1897? A Yes sir." Didn't you swear that the last time you applied here? A I cannot tell what I said exactly I might have been mistaken - I came here from Tahlequah to register.
Q Did you or did you not make those answers then? There was a stenographer taking down what you said wasn't there? A Yes sir they was taking it down. I might have said it. I didn't remember the times just exactly if I said it.
Q Has there been anything since then to refresh your memory so that you make a different statement now? A Yes sir lots of things has happened since then.
Q You did come back to the Territory from Kansas when you made application for enrollment at the time they were taking a roll of the Freedmen for the Strip money? A No sir I was back here before that.
Q You say you were living here when you applied? A Yes sir, I was right at Tahlequah all the time.
Q Didn't you testify in answer to a question asked you by Mr. Hastings: "Q You testified over at Muskogee that you came back here just before the payment, about three years ago? A Yes sir. Q The strip payment; you mean the Freedman payment? A Yes sir. Q That was made in the spring of 1897? A Well that is when I came." A No sir I didn't come back then I was here long before that.
Q Then you testified to something that wasn't true when you made that statement to Mr. Hastings? A I came from Tahlequah here —
Q I want to know if you made that statement to Mr. Hastings or not? A I dont know I might have. I was in Kansas and I was in Tahlequah and I came from Tahlequah right over here. I tried to register in Tahlequah.
Q Is what you stated the other time is true then what you are telling now is not true or you dont mean to say that you are not telling the truth now? A Yes sir every word I am saying is true.
Q Was the testimony which you gave the other time true? A I might have got mistaken in some of it.
Q Is the testimony which you are giving to-day true? A Yes sir.

By the Commission:

Q You say you had some children born before you went to Kansas?
A Yes sir.
Q You had some children born them before you married your first husband? A Yes sir.
Q What were the names of these two children? A Rosa is one and one is dead.

Q Where were you during the war? A Here.
Q Didn't your mother take you out? A Yes sir.
Q Where did she take you to? A Don't know, somewhere up north - Kansas I think.
Q Did you come back here with your mother after the war? A Yes sir I was a child.
Q Are you able to remember when you and your mother came back?
A No sir.
Q Are you able to remember having been away anywhere after the war?
A No sir.
Q Who brought you back here? A Mrs. W. P. Ross brought us back.
Q What is the name of Mrs. W. P. Ross? A Mary Jane Ross.
Q Was she your mother's mistress? A Yes sir.
Q She would know all about your mother coming back wouldn't she?
A Yes sir.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 23rd of April, 1901, at Fort Gibson, I. T.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the foregoing is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of September, 1901.

Commissioner.

M D Green -
M D

COMMISSION TO THE FIVE

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Minnie Brown 4

FILE WITH C.F. D-9 , Sylvester Summe,

SUPPLEMENTAL: C.F.4-6.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept.24,1901.

In the matter of the application of Winnie Reeves for enrollment as a Cherokee Freedman.

TESTIMONY ON BEHALF OF THE APPLICANT.

Appearances:
Applicant represented by Mr. Smith, of Mellette & Smith, of Vinita, I. T.,
W.W.Hastings appears as respresentative of the Nation.

EMILY HUMPHRIES, being sworn by Commissioner Needles, testified as follows:
BY MR. SMITH:

Q What is your name? A Emily Humphries.
Q What is your post-office? A Tahlequah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q How old are you?A Well as near as I can gather at my age I am 75 or 80. Lived in the Cherokee Nation all my life.
Q Do you know Winnie Reeves? A Yes sir, I know her.
Q You know her mother?A I knew her mother.
Q What's Winnie's mother named?A Caroline.
Q Was Winnie a slave before the war, and her mother Caroline?
A Yes sir, she was a slave.
Q Who did she belong to?A She belonged to William Ross.

BY MR. HASTINGS:

Comes now the Representatives of the Cherokee Nation and object to any testimony being taken at this time up on the three points, as to ownership, return or residence of the applicant; for the reason that this matter was gone into and testimony introduced upon these three points on April 3rd,1901.

BY MR. SMITH:

Now if the Court please, I want to state that counsel is mistaken and has not examined the record, because neither of these points was gone into. In the first place, applicant came out here, and was rejected because she was not on the 1880 roll, as one of the early rulings of the Commission. But afterwards she returned with one or two young witnesses, and none of them knew these facts which occurred in 1866.

BY COM'R NEEDLES:

Proceed with the testimony.

BY MR. SMITH:

Q Was William Ross a Cherokee Indian citizen? A Yes sir.
Q How old was this little girl, Winnie, at the time the war broke out?A She was quite a girl in time of the war.
Q About how old? A I don't really know how old she was.
Q Could you state how large she was? A Strip of a girl.
Q Where was she living, this girl Winnie, at the time the war came up? A She was living here with hermother.
Q At William P. Ross?A Yes sir.
Q Did you go out of the Cherokee Nation during the war yourself
A No sir.
Q Where were you during the war? A I were here during the war, right at Fort Gibson; I stayed a while right on the branch, and when the Federals moved here, but, I believe, I come here in Gibson and stayed until the war was over.
Q How long did you stay in Fort Gibson then after the war was over?
A Well the cholera broke out here and the doctor had us to move out on what is called the Four Mile Branch, to scatter our, and I stayed there between three and four years right on the Branch,

Q Do you know whether this girl, Winnie Reeves, this girl Winnie and Caroline, her mother, were out of the Nation during the war or not? A Well they were away from where I were of course.
Q Do you know when they came back? A I don't exactly know when they came back.
Q Did you see them here after the war? A Oh yes sir, I saw them frequently. Because I used to be here at Gibson, and passing used to see them. Winnie's father was living.
Q What was his name? A Dred Gunter, Dred Foreman some called him, but Gunter was his right name; went by his mother's name; good many of us went by owners names.
Q Well then how long did you know this girl Winnie from that time that you spoke of when you first saw her back here? A Oh I saw her often back and forth, I don't know exactly how long, but I used to see her all the time until she become grown.
Q Where was she living? A Down here in town.
Q At Port Gibson? A Yes sir.
Q Well was it a long time or a short time after the war before you first saw her after the war closed? A It was sometime after the war closed before I saw her.
Q Could you state how long? A No sir, I don't know exactly how long.
Q Was it as much as a year? A Might have been some thing over a year.
Q You can't state just what time you did see her first? A No sir.

BY MR. HASTINGS:

Q You think it might have been as much as three years, aunty, after ~~from~~ the war until you saw her first? A No sir, I don't think it was that long.
Q You think it might have been as many as two years after the war? A It might have been a little over a year.
Q You are not positive as to the length of time? A No.
Q You couldn't keep dates could you? A No.
Q You don't know anything about this woman living in Kansas? A No sir.
Q You don't know she lived there 20 years prior to 1897?
A Did she? Well, I didn't know that.
Q Up to four years ago you hadn't seen her here for a long time?
A I saw her back and forth from Muskogee and here.
Q She testified she lived in Kansas a long time, you don't know anything about that? A No sir.
Q She testifies she came back here in '97; you hadn't seen her here right along before '97 had you? A I don't know, I don't know what '97 was.
Q You don't know how many years ago that was? A No I don't know.
Q You don't know what year the war closed do you? A I think I do.
Q Pretty hard matter for a person to keep all these dates? A Pretty hard matter for a person who has got no education.

BY MR. SMITH:

Q From the time this girl came a grown woman, from that time on, what was the next time that you saw her? A Well to tell you the truth I can't tell you how long it was.
Q ~~Now it something about~~ You said some thing about seeing her from time to time often and on? A I saw her back and forth from Muskogee to Gibson often and on.
Q Was there ever as much as three years that you didn't see her?
A I don't know, I wouldn't tell nothing but what I know.

CAROLINE FOREMAN, being sworn by Commissioner Needles, testified as follows:

BY MR. SMITH:

Q What is your name? A Caroline Foreman.
Q How old are you? A 60.
Q Where do you live? A Here in Gibson.

Winnie Reeves 2

Q How long have you lived in Fort Gibson? A Ever since I was a young girl about 10 years old.

BY MR. HASTINGS:

Q Didn't you live here in April when we was here before? A Yes sir, and I was here.

BY MR. SMITH:

I want to make this statement to the Court for my own benefit. At the time this woman was here in April she had no counsel, and she was rejected, and she has been here since-

BY MR. HASTINGS:

Comes now the Representatives of the Cherokee Nation and protests against the hearing of this testimony, for the reason that this woman herself states that she was here in April, was accessible, could have been gotten, and it was the fault of the applicant that she was not put that time, and that this hearing was set here for the purpose, principally, of hearing testimony on the part of the Cherokee Nation and rebuttal testimony as against any new points brought out, and that that ought to be an end to the taking of testimony on those points already invested in.

BY MR. SMITH:

Q How long have you lived in Fort Gibson? A Well I have been living there nearly 60 years.

Q Do you know Winnie Reeves? A Yes sir, I do; she is my daughter.

Q Was she born before the war or after the war? A She was born before the war.

Q How old was she when the war commenced? A She was 2 or 3 years old when the war commenced.

Q Who did you belong to? A Mr. William Ross.

Q Was he a Cherokee? A Yes sir.

Q Who did Winnie belong to? A She belonged to Mr. Ross too; she was born there on the place in slave time.

Q Where were you living at the time the war commenced? A Living here in Gibson.

Q Where was Winnie? A She was here too.

Q Did you go outside of the Cherokee Nation during the war? A Yes sir, I went out; came back here in March.

Q What became of Winnie? A I brought her back too; I taken her out with me and I brought her back with me.

Q When did you bring her back? A In March, when Mr. Ross brought me back I brought Winnie back.

Q What year? A March, '66.

Q March, 1866? A Yes sir.

Q Where did you go to live? A Right where John Sanders lives now, I lived right there with Mr. Ross and Mrs. Ross, I cooked for them there; and my husband went out just across the hollow here and built a house, and I lived there.

Q Where was the Sanders place you are talking about? A Just down here apiece.

Q Was it in Fort Gibson? A Yes sir.

Q Winnie was with you? A Yes sir.

Q How long did Winnie stay with you? A She stayed with me until she was some 10 or 12 years old, and then her father was crippled and we hired her out.

Q Who did you hire her to? A To Mrs. Lipe and Carr and such folks as was around in Gibson here, to wash dishes.

Q How long did you keep her hired out? A I don't know, long time though.

Q Give us your best judgment as to how long it was? A Well two or three years I guess.

Q She didn't ever run away from Fort Gibson from the time you brought her back here before she was grown? A No sir.

BY MR. HASTINGS:

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Q What name did she [illegible] A Winnie Stevens.
Q What was her first husband's name? A Charley Reeves.
Q Where did she marry [illegible]? A Here in Fort Gibson.
Q What year?A I don't know.
Q About how many years after the war? A I didn't able to tell you, I can't keep no account of that at all.
Q Did she have any children by him? A Yes sir, two.
Q What was their names? A Rose.
Q Where was Rose born? A Right here in Fort Gibson.
Q What is the next one's name? A Rose.
Q Where was Rose born? A Here in Fort Gibson.
Q Has she ever married since? A Yes sir, she married Don Sumner.
Q Where did she marry him? A In Kansas I guess.
Q How long had she been in Kansas when she married him? A I don't know.
Q When did she leave here? A When Rose was a little toddling thing
Q She married up there a second time? A Yes sir.
Q Is she married? A Yes sir. She has got Rose leaves now.
Q Did you ever see her second husband? A Yes sir, come down here and lived here some three or four years.
Q Was she with him? A Yes sir, she was with him.
Q How then was that? A I don't know, but he was here; I don't know that year, nor nothing, but then they was here.
Q Where did she marry the last time? A She married in Muskogee.
Q When? A I don't know; some time about a year ago I think, she said she married.
Q When did she come back from Kansas down here? A I don't know.
Q You don't know the year of that?A No. I do not, I wasn't keeping no time of it at all.
Q If she testifies she lived up there 12 or 13 years, you think that is correct? A No, I know it aint correct, I know that much, I know it aint correct.
Q How long was it after the war before she left here? A No sir.
Q You don't know what year she came back? A No sir.
Q But how long she stayed there? A No sir, but they wasn't gone more than a year or so I don't reckon.
Q You don't reckon? A I don't think.
Q You don't know a thing in the world about dates? A No sir, I don't.
Q You don't know what year this is do you?A Oh yes I do.
Q What is it? A Oh I don't know what it is.

BY MR.SMITH:

Q How long was the longest time your daughter was away from you at any time after she had her first children? A About two years I guess.
Q Where have you lived all the time? A Lived right here in Fort Gibson all the time.

Com'r Needles: This testimony will be filed.

H.B.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. B. Green

Subscribed and sworn to before me this September 15th, 1921.

T. R. Needles

Commissioner.

jsc.

Cherokee Freedmen 2 9

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
[illegible], IND. TER., JUNE 15, 1898.

In the matter of the application for the enrollment of Sylvester Summer as a Cherokee Freedman:

SUPPLEMENTAL STATEMENT.

From an examination of the Cherokee census roll of 1896, it appears that the applicant, Sylvester Summer, is identified thereon as a Cherokee Freedman, at #833, under the name of Sylveste Summon.

It is ordered that this statement be filed with and made a part of the record herein.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

jac a

In the matter of the application of Winnie Reeves et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Winnie Reeves et al.----------Cherokee Freedmen D 6,
Sylvester Sumner----------Cherokee Freedmen D 9.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Winnie Reeves, for herself and minor children, Bennie, Charlie and Estella Sumner; and by Sylvester Sumner, for himself.

The evidence shows that the applicant, Winnie Reeves, was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, she left the Cherokee Nation but returned thereto in 1866.

The evidence further shows that the applicant, Sylvester Sumner, has been born since 1866 and is a descendant of and claims right to enrollment through the said Winnie Reeves, and that all the other applicants herein are the minor children of the said Winnie Reeves.

The evidence further shows that the said Winnie Reeves has continuously resided in the Cherokee Nation since her return in 1866, except from the year 1886 until 1897, during which time she was living in the State of Kansas; that the said Sylvester Sumner has resided in the Cherokee Nation since he was nine years of age. The residence of said minor applicants herein is considered to be the same as that of their mother.

It is, therefore, the opinion of this Commission that Winnie Reeves, Bennie Sumner, Charlie Sumner, Estella Sumner and Sylvester Sumner should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this DEC 1 1900

Commissioner.

Cherokee Freedmen D-1541.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 18, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAYNES ET AL., as Cherokee freedmen.

On May 18, 1905, evidence was taken in this case and the cause was continued by mutual consent to June 1, 1906. On June 1, 1906, the applicant appeared in person and the Cherokee Nation by their attorneys, by consent and stipulation the case was further continued until this day, June 18, 1906.

APPEARANCES:
Applicant appears in person.
Cherokee Nation, by J. S. Davenport.

MARY HILL, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Mary Hill.
Q What is your post office? A Tahlequah.
Q How long have you lived in or near Tahlequah? A About 25 years I guess.
Q Where did you live before you moved to Tahlequah? A I lived at Fort Gibson.
Q Where were you living when you can first remember? A Living in Flint.
Q Flint District? A Yes sir.
Q Was that before or during the war? A During the war.
Q At the close of the war, where were you living? A In Gibson.
Q Did you have any brothers and sisters? A I had two brothers.
Q How many sisters, if any? A Four sisters, mother didn't have but six children.
Q Now what were the names of your children? A Jane, Polly, Rachel and Mary.
Q Did you have any half sisters that you know of? A No sir.
Q Did your mother have any children other than the children that you have named? A No sir.
Q What was your mother's name? A Eliza Blair.
Q Do you know what your father's name was? A Ben Grimmett.
Q Is your mother living? A No sir she is dead.
Q How long since your mother's death or about how long? A About 12 or 14 years I guess.
Q You don't know then the number of years since your mother's death?
A No sir.
Q Where were you and your mother living at the time of her death?
A At Fort Gibson.
Q About how old were you at the time of your mother's death?
A I was about 12 years old I guess.
Q Are you the youngest of the children or were there children younger than you? A I am the third girl.
Q After your mother's death, where did you children go to live, or with whom did you go to live? A After mother died Aunt Darkey Buffington took Rachel and Ben.

Q There was Aunt Darkey Buffington living at that time? A Right where she is living now, on Fourteen Mile Creek.
Q What direction is that from Port Gibson? A North.
Q Do you know whether or not Aunt Darkey Buffington is living?
A Yes sir.
Q Is any of your sisters living that went to live with Aunt Darkey? A No sir, the one lived that went to live with her died in Tahlequah.
Q How long did your sister live with Aunt Darkey before she married, Mary? A About ten years I guess, stayed there a good while.
Q Q During the time that intervened from your mother's death up until the time your sister married Joe Discuss, were you at Aunt Darkey Buffington's house or in that neighborhood there?
A Yes sir, I visited there once in a while.
Q How often in a year? A Two or three times a year.
Q Your sister was living there at that time? A Yes sir.
Q Do you know the applicant here, Martha Haynes? A I didn't know her until the time of the payment.
Q What payment was that? A It was the strip payment, I heard of her then, they said she was my sister.

Q What was about how many years ago, that payment? A What payment.
Q What amount did the colored people draw at that payment?
A Was it $180.00 of what was it.
C There were two payments, one made by Col. Lipe and the other by Col. Wisdom? A It was about 1897 I think.
Q Had you seen the applicant Martha Haynes up until the time of that strip payment? A No sir, but I had heard of her, but they say she was my sister, I thought she might be some of my father's children.
Q During the time you were at Port Gibson from the close of the war, did you see her around Port Gibson? A No sir.
Q During the time your sister Rachel lived with Aunt Darkey Buffington, was she living there with them? A No sir.
Q Your sister lived with Aunt Darkey Buffington? A Yes sir.
Q And you were back and forth and you knew about who were living there in the family? A Yes sir.
Q Did you ever see her there at Aunt Darkey's? A No sir, I never saw her there, she might have been there in the neighborhood.
Q If she is any relation of yours, do you know anything about that?
A No sir, I don't know, I never did ask any of the old people.
Q You never heard of her from your mother or any of the family?
A My mother never did say anything about her.
Q And were you living in Port Gibson immediately after the war, and didn't see her there or hear of her being there at that time?
A No sir.

BY THE COMMISSION:
Q How old are you? A I think I will be about 44.
Q So then at the close of the war you were about three years old?
A I don't know, I think I was older than that.
Q How old were you at the close of the war? A About 12 years old I guess.
Q So you must be about 55 years old, is that it? A I might be, I don't know.
Q Are you a Cherokee Freedman? A Yes sir.
Q Under what name, Mary Hill? A Mary Hill.
Q Are you on a straight card? A Yes sir.
Q Did you apply for yourself and Mary Grimmett, your neice in 1901?
A Yes sir.
Q Do you remember how old you were at that time? A No sir.
Q Do you know what age you gave at that time? A No sir.

Q You said you were 40 at that time, that makes you 44, so at the close of the war you were only 3 years old, and now you saw you were 12, which is correct? A I don't know.
Q Where was Darkey Buffington living at the close of the war?
A Living in Gibson I think.
C Do you know where she was living? A No sir, I don't know for certain.
Q You don't know who was in that family at the close of the war, do you? A She was living on Fourteen Mile Creek when she taken the children.
Q How long was that after the war? A I don't know how long.
Q How many years, what is your best judgment of it? A About two years I guess, right after that cholera.
Q Did you live with Aunt Darkey Buffington? A No sir.
Q Where did you go? A I went to Pahlequah.
Q With whom did you live when you went to Pahlequah? A I lived with Aunt Julia Reese.
Q How far was that from where Darkey Buffington lived? A About 14 miles.
Q Did you visit them often? A Yes sir.
Q Who was in Darkey Buffington's family at that time? A All her children and grand-children.
Q Well give me the names of them? A I don't know all of them.
Q Give me as many as you can? A Narcis, Charley, Anna, Lucy Ann, Josie, Rachel and Ben, that is my brother and sister.
Q Were they all her children and grand-children? A Yes sir.
Q What was two years after the close of the war that she had all that family? A Yes sir, I think it was that.
Q I want you to tell me, two years after the war when your family broke up and you went to Pahlequah, who were in Darkey Buffington's family at that time? A I told you that I can't tell all.
Q Were all those living there with her at that time? A They were.
Q Were anybody else there besides her own children? A Her grand-children.
Q Are you the grand-child of her? A No sir.
Q Were you living with her? A My brother and sister were living with her.
Q Were they the grand-children of Darkey? A She was their Aunt.
C So she had her own children, grand-children, and some one else's children? A Yes sir.
Q How many in the family all together? A About 18 or 19.
Q Are you willing to swear now that this Martha Waynes was not in Darkey Buffington's family two years after the war? A I did not see her, if she was there I never seed her, I never heard of her.
Q You cannot swear whether she was there or no't? A No sir.
Q You say there were 18 or 19 in the family at that time, now give me the names of all of them, you have given me the names of 4 or 5? A Helen, Josie, Narcis, Lucy Ann, Charley, Ambrose.
Q Is that all? A That is all I can think of.
Q And you swear that all those you mentioned were living in Darkey Buffington's family after the war? A Yes sir.
Q Whose were her children and grand-children? A Yes sir.
Q Now mention all other children besides her children and grand-children? A That is all I can think of, my brother and sister.
Q What are their names? A Ben and Rachel.
Q When was the first time you was ever in Darkey Buffington's house? A After she taken the children up there, I went up there to see them.
Q That was two or three or four years after the war? A Yes sir.
Q So prior to that time this woman might have been living up there?
A She might have been.

Q As a matterof fact that at the close of the war and two or three years after you don't know whether this woman was up there or not? A No sir.
Q The first time you ever met her was about the time of this strip payment? A Yes sir.
Q Where did you meet her at that time? A It was time of the payment, the first time I ever remember of seeing her, but since then I have seen her.

BY MR. DAVENPORT:
Q You have lived at Tahlequah and Fort Gibson ever since the war, haven't you Mary? A Yes sir.
Q Fourteen Mile Creek is between Tahlequah and Fort Gibson, but off to the north, is it not? A Yes sir.
Q And you have been back and forth have you not in that neighborhood of Fourteen Mile Creek ever since the war? A Yes sir.
Q And you never saw this woman, the applicant in this case, until ab about the time of the Kern-Clifton payment? A I heard of her, but I never seen her.
Q You never knew of her living, or saw her at Aunt Darkey Buffington's while your brother and sister were there? A No sir.

Q Aunt Darkey Buffington is still living? A Yes sir.

BY THE COMMISSION:
Q Are you related to Darkey Buffington in any way? A She is my Aunt.
Q How is she your aunt? A Great aunt somehow or other.
Q Can you say? A She is my double aunt.
Q Well explaint the relation and then I will understand it. Your grand mother and Darkey Buffington were sisters? A Yes sir, I think that is the way of it.
Q You don't know whether Martha Haynes is related to Darkey Buffington? A No sir, I don't know.
Q She is not related to you that you know of? A Not that I know of unles she is my father's child. She could be that.

This cause was here continued to June 22, 1906.

----------oOo----------

George H. Lessle, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H Lessley

Subscribed and sworn to before me this 3rd day of July, 1906.

William Veale

Notary Public.

Cherokee Freedmen 3-1341.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 22, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA MAYNES ET AL., as a Cherokee Freedmen.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by J. S. Davenport.

MARGARET SANDERS, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Margaret Sanders.
Q Where do you live? A On Fourteen Mile Creek.
Q How far from Melvin? A About four miles.
Q How old are you? A About 55 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you lived on or near Fourteen Mile Creek? A I was born and raised there.
Q How far did you live from old Aunt Darkey Buffington? A Two or three miles.
Q Are you any relation to her? A I used to be her daughter-in-law.
Q How you have lived near her hod long? A About ten years I guess.
Q How long have you known Aunt Darkey Buffington? A I knowed her in the time of the war.
Q Have you known her ever since the war? A Yes sir.
Q Do you know Mary Hill at Oshlequah? A Yes sir.
Q Did you knew her mother? A Yes sir.
Q What was her name? A Eliza Blair.
Q Did you know her father? A No sir.
Q Do you know the applicant here, Martha Maynes? A I aint been acquainted with her so many years.
Q How long have you been acquainted with her? A About 10 or 15 years.
Q Do you know whether or not Mary Hill had any sisters and brothers?
A I know she had two daughters and a son that I know of, but I don't remember about this girl, but one was called Mary and Rachel and Benny.
Q Where did they live after their mother's death? A With Aunt Darkey Buffington.
Q How far did you live from Aunt Darkey at that time? A I stayed around Gibson then.
Q Where was Aunt Darkey living then? A On Fourteen Mile Creek.
Q How far is that from Gibson? A About 15 miles.
Q Did you ever visit Aunt Darkey? A Very seldom.
Q Where was this applicant, Martha Maynes, living when you first got acquainted with her? A Here in Muskogee.
Q Did you ever see her in the Cherokee Nation before you got acquainted with her here at Muskogee? A No sir.
Q Did you ever know of her living in the Fourteen Mile Creek neighborhood with Aunt Darkey Buffington since the war? A No sir.
Q Did you ever know of her living in Aunt Darkey Buffington's family? A No sir, the first time I got acquainted with her she told me Eliza Blair was her mother.

Q that was Mary Hill's mother we was it? A Yes sir.
Q Did Eliza Blair have such a daughter as this applicant that you know of? A I don't know, I just got acquainted with her in the time of the war.
Q When Eliza died did she have any such daughter as this Martha Ann Haynes? A No sir.
Q You knew Eliza had a daughter by the name of Rachel and Mary?
A Yes sir.
Q Do you know whether or not she had a daughter by the name of Martha, this applicant? A No sir.
Q You never saw her or heard of her until about 15 years ago? A No sir, I met her here in Muskogee and she was telling me about her people.
Q I believe you said you were a daughter-in-law of Aunt Darkey Buffington? A Yes sir.
Q And you never saw this girl around Aunt Darkey's place there?
A No sir.

BY THE COMMISSION:
Q Did you know Eliza Blair? A Yes sir, I got acquainted with her in the time of the war.
Q Do you know the names of all of the children of Eliza Blair?
A I don't know sir.
Q As far as you know she may be the mother of this woman here?
A She may be, I don,t know.
Q Do you know when Eliza Blair died? A Yes sir, I was living there in town.
Q Where did she die? A There on the hill at Fort Gibson.
Q What became of her children? A As far as I remember anything about them Julia Reece had a girl by the name of Mary and Aunt Darkey Buffington took a girl by the name of Rachel and a boy named Benny.
Q You say Mary was taken by who? A Julia Reece.
Q And Aunt Darkey Buffington got the other two? A Yes sir.
Q Now you don't mean to say that Eliza Blair didn't have any more children than that at that time? A No sir, I don't.
Q And you don't know how manny children Darkey Buffington took away? A That is all I remember about.
Q She may have taken 3 or 4 so far as you know, only you know about two? A Yes sir, just them two.
Q Darkey Buffington must have had a big family at that time? A Yes sir.
Q About how many? A I don't know.
Q Have any idea how many? A 8 or 9.
Q Did she have 18 or 20? A No sir she didn't have 20, she had a passel of children that wasn't her own, her kin folks.
Q Was this Eliza Blair any kin to Darkey Buffington? A Her niece.
Q Do you know whether Darkey Buffington had a child there by the name of Martha? A I don't know sir.
Q Do you know the name of all the children she that Darkey Buffington had at that time? A I could name only some of them.
Q Couldn't name them all? A No sir, there was Josie, Helen, Rachel, Benny, Narcissus, that is all I remember anything about.
Q There were more than that? A Yes sir, more than that because there was a house full all the time.

NARCURSUS DALTON, being first duly sworn , testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Narcissus Dalton.
Q Where is your post office? A Melvin.
Q How old are? A I don't know exactly, I am about 50 years old.

Q You were born before the war? A Yes sir.
Q Who was your mother? A Darkey Buffington.
Q Is she living? A yes sir.
Q Where? A With me.
Q Did you know Eliza Blair during her life time? A I didn't know good our relations but when we come back from the south we didn't get good acquainted with her and it wasn't so long before she died.
Q When did you come back from the south? A Just after peace.
Q And you have lived in the neighborhood of Fourteen Mile Creek ever since that time? A Yes sir.
Q How far has you lived since you returned from your mother, Aunt Darkey Buffington? A I have been with her all the while.
Q Eliza Blair died some time after you came back from the south?
A Yes sir.
Q Was she related to you in some way? A Yes sir.
Q Do you know the applicant here, martha waynes? A No sir.
Q After you came back from the south did martha waynes live with your mother or your mother raise her on Fourteen Mile Creek north of Fort Gibson? A If she did, it is out of my remember ance, she was living at Gibson working for the Government when we come back from the south.
Q Did the applicant here live in your mother's family there? A No sir.
Q Do you know how many children Eliza Blair had at the time of her death? A No sir, I don't know but Rachel and Benny.
Q You know whether this woman ever lived with and was raised by your mother? A If she was, I don't know it.
Q You lived with your mother? A Yes sir.
Q You would have known if she was there? A Yes sir.
Q Do you know Mary Hill at Tahlequah? A Yes sir.
Q She was a daughter of whom, do you know? A Ben Grimmett is her father and that same Eliza is her mother.
Q She has lived in that neighborhood ever since the war? A Yes sir Julia peace raised her.
Q And your mother raised Rachel and Benny? A Yes sir.
Q And you lived with your mother and she never lived with you?
A No sir.
Q Do you think it is possible for her to have been there and you not know it? A No sir.
Q How long has it been since you first saw this applicant here?
A No sir, I have never seen her at all to know her.
Q Look at her and see if that woman ever lived with your mother's family? A No sir, not that I know anything about.
Q You were there all the time? A Yes sir, I was there all the time

BY THE COMMISSION:
Q How long did you stay at your mother's after you came back from the war? A I was about 11 years old when we come back from the south and I married when I was 17 or 17 and I stayed that long.
Q Lived with her all that time? A Yes sir.
Q Never worked out at all? A Yes sir, I worked out.
Q Did you come home every night? A No sir, not when I was working off.
Q You remember Eliza Blair dieing do you? A Yes sir, I remember them saying she died in the year of the cholera.
Q But you don't remember that, do you? A Yes sir, I remember the cholera.
Q I am talking about Eliza Blair's death? A Well I think it was the year of the cholera.
Q Do you remember the fact of her dieing? A Yes sir, I remember them saying she died.

Q Do you know how many children she had when she died? A No sir I don't know exactly how many she did have.
Q How old is Peshel? A I don,t know, she is something a little older that I was.
Q Which is the oldest child of Eliza Blair? A I couldn't tell you that.
Q Well there is Peshel, Mary and Benny? A Well Mary I think is the eldest. She had one called Jane she is the eldest.
Q Is she living? A Yes sir.
Q Is Mary, Peshel and Benny living? A Yes sir.
Q Did you ever hear of Eliza Grimmett having a child called Martha?
A No sir, it was a long time after we came back before I knew Mary, you see Aunt Julia Reese raised Mary.
Q Was there a child in your mother's family by the name of Martha?
A If there was, I don't know it.
Q You would have known it if she had have been in your mother's family? A It looks like I would have known it.

This case is closed.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H Lessley

Subscribed and sworn to before me this 7th day of July, 1905.

Myron White.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 11 1902

ACTING CHAIRMAN.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Sylvester Sumner,
Fort Gibson, Indian Territory,
Cherokee P-D-9
Register.

Copy

Cherokee Freedmen
D-6-9.

Muskogee, Indian Territory, December 3, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 1, 1903, in the consolidated case of Winnie Reeves et al., granting the applications for the enrollment of Winnie Reeves and Bennie, Charlie, Estella and Sylvester Sumner, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby,

Enc. D-9.

Chairman.

COPY.

Cherokee freedmen
D-9

Muskogee, Indian Territory, January 5, 1904.

Sylvester Summer,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated December 1, 1903, granting, among others, your said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-11
Register.

Chairman.

Copy

Muskogee, Indian Territory, January 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Winnie Reeves, et al., including the Commission's decision, dated December 1, 1903, granting the application for the enrollment of Winnie Reeves and Bennie, Charlie, Estelle and Sylvester Sumner as Cherokee Freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is inclosed.

Respectfully,

Encl. V-12

Chairman.

Through the
Commissioner of Indian Affairs.

LAND 1836-1904.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, APRIL 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated January 5, 1904, transmitting the record relative to the application of Winnie Reeves et al., for enrollment as Cherokee freedmen.

Winnie Reeves applied for the enrollment of herself and her minor children, Bennie, Charlie, and Estella Sumner, and Sylvester Sumner applied for the enrollment of himself. The Commission, under date of December 1, 1903, held that all of the applicants are entitled to enrollment as Cherokee freedmen.

The Cherokee Nation protests against the Commission's decision.

The record shows that Winnie Reeves was the slave of William P. Ross, a citizen of the Cherokee Nation, at the Commencement of the war. She appears to have been born in 1860. She resided in the Cherokee Nation until she was about fourteen years of age, when she went to the State of Kansas. She returned to the Cherokee Nation in 1897.

Sylvester Sumner was born since 1886, and is a descendant

of Winnie Reeves, as are the minor applicants.

The record also shows that the principal applicant was taken out of the Cherokee Nation during the war, but that she returned prior to Feby 11, 1867. It is shown that her removal from the Cherokee Nation when she was fourteen or seventeen years of age (she testified at one examination that she was fourteen when she removed and at another that she was seventeen when she went to Kansas) was for the purpose of finding employment. She appears to have always claimed the Cherokee Nation as her home. There is nothing in the record which shows that she became a citizen of any other jurisdiction, and under the holding of the Department in the Yeargain case, it is believed that all of the a pplicants are entitled to enrollment. The approval of the Commission's decision is therefore recommended.

Very respectfully,

W. A. Jones

Commissioner.

G A W -L C.

D. C. 18478-1904. FOR THE IRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITD 3474-1904. May 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 5, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of Winnie Reeves et al., (F.D.6-9), including your decision of December 1, 1903, granting the application for the enrollment of Winnie Reeves and Bennie, Charlie, Estella and Sylvester Sumner.

The Cherokee Nation protests against your decision.

Reporting in the matter April 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision, in so far as it declares the applicants entitled to enrollment, is affirmed.

Respectfully,

E. A. Hitchcock

Secretary.

1 inclosure.

Cherokee Freedmen
D-C-D.

Muskogee, Indian Territory, May 10, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1903, in the consolidated case of Winnie Reeves et al., granting the applications for the enrollment of Winnie Reeves, Sylvester, Bonnie, Charlie and Estella Summer as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 9, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-S.

Muskogee, Indian Territory, May 19, 1904.

Sylvester Sumner,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1903, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 9, 1904.

Respectfully,

Commissioner in Charge.

F.D. 389

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

17 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 16th, 1901.

In the matter of the application of William Vann for the enrollment of himself, wife and one child as Cherokee Freedmen; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A William Vann.
Q How old are you, Mr. Vann? A I don't know exactly somewhere about 45 or 46 years old.
Q What is your post office? A Lenapah.
Q What district do you live in A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir, always said to be.
Q Is your name on the roll of 1880? A No, sir, I don't think it is.
Q Did you draw what is known as the Cherokee strip money? A Yes, sir.
Q Your name is on the Kerns-Clifton roll them? A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation?
? A No, sir.
Q Who do you want to enroll besides yourself? A My wife and child
Q What is the name of your wife? A Hannah Vann.
Q How old is she? A About 40.
Q What is your child's name? A Annie.
Q How old is Annie? A About 17.
Q What is your father's name? A I was raised by a step-father, but my father was named Billy Vann.
Q What was your mother's name? A Peggie Lynch, sometimes called Peggie Steele.
Q Is she living? A No, sir.
Q Is your father living? A Yes, sir, my own father is living.
Q What is your wife's father's name? A Georgie Johnson.
Q Is he living? A No, sir.
Q What is her mother's name? A Nancy Watie.
Q Is she living? A No, sir.
Q Is your wife's name on the roll of 1880? A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Q Did you draw money for your wife too? A No, sir; I did on the Wallace roll.
Q Did you draw strip money for Annie? A yes, sir.
Q Are you sure you drew money for Annie? A Yes/ sir.

The Kerns-Clifton roll of citizens of the Cherokee Nation examined and name of applicant and his child found thereon as follows:
Page 156, #3859, William Vann, Coowescoowee District.
Page 156, #3860, Annie Vann, Coowescoowee District.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's wife found thereon, page 86, #2424, Hannah Vann, no district given.

Q Now, what proof have you got of your citizenship, Mr. Vann; were you a slave? A Yes, sir; I was born a slave.
Q To whom did you belong? A Belonged to Joseph Lynch.
Q Was he a Cherokee citizen? A Yes, sir.
Q Indian? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q When did you return? A The old folks said they got back in '66.

Q The old folks are not alive are they? A No, sir.
Q Why is your name not on the roll of 1880? A I could not say; I saw the census takers come around when I was, when I lived up on Verdigris in 1880, and then came around and took the census and I went down to see about it when they come around to take another census and they said my name was lost.
Q Have you got any witnesses here? A You may call Anderson Lynch.

ANDERSON LYNCH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Anderson Lynch.
Q What is your age, Mr. Lynch? A About 64.
Q What isyour post office address? A Vinita here.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q As a Cherokee Freedman? A Yes, sir.
Q Do you know William Vall, the applicant? A Yes, sir.
Q How long have you known him? A Ever since he was about able to crawl.
Q What was his father's name? A Bill Vann.
Q What was his mother's name? A Pig.
Q Was William, the applicant, born a slave? A Yes, sir.
Q To whom did he belong? A He belonged to old man Lynch.
Q Did his mother Peggie? A Yes, sir.
Q Well now, didid Peggie Lynch, his mother, take him out of the Cherokee Nation during the war? A Yes, sir.
Q Where did the take him to? A They took him up into Kansas?
When did they bring him back? A It was in '66 when they come back; fall of '66.
Q Did his father and mother come back? A Yes sir.
Q Brought him with them? A Yes sir.
Q Were you along with them? A Yes, sir.
Q They came with you? A Yes, sir, came with me.
Q You are certain then they were here in 1866? A Yes, sir.
Q Did you know his wife, Hannah? A Yes, sir.
Q What was her father's name? A George Johnson.
Q What was her mother's name? A Her mother was named, I di remember; her mother died when she was a little bit of a thing.
Q Was she a born slave, Hannah? A Yes, sir.
Q Whom did she belong to? A Stand Watie.
Q Did her mother belong to Stand watie also? A Yes, sir.
Q Was Hannah taken out during the war? A I don't know whether she was taken out or not, she was brought to her father along in '65, a little bit of a thing, with Mr. Crichet, he sent the child to them.
Q And Hannah has been living in the Cherokee Nation ev er since '65? A Yes, sir.
Q And that you are positive? A Yes, sir.

BY LB BELL, Cherokee Representative:

Q You say they came back with you, who are they? A Uncle Bill and Bill Buffington and uncle Steve.
BY COMMISSIONER NEEDLES: You missed Peggie? A Yes, sir, Peggie was along and uncle Steven.
BY MR. BELL: Who was Steven? A Bell Buffington; Steven Lynch he went by.
Q When did you say they came back? A In '66.
Q Where did they stop at? A They stopped over at the Lynch place.
Q That is at the house where the old man lived? A Yes, sir.
Q What time in '66 was this? A Along in the winter, I could not tell just what month;it was a while before Christmas.

BY COM'R MIDDLES:

Q Is Annie living, your child? A Yes, sir.
Q I understand you to say, now, you and your wife, Hannah, have lived in the Cherokee Nation all your lives? A Yes, sir.
Q You don't know why your wife's name is not on the roll of 1880?
A All I can say that I married in '79, and went on out to Verdigris. In '78 she was enrolled with her folks and in '79 I married her and went over to Verdigris and when the census takers went in there they enrolled us both together and I just thought that was all right and I never knowed any more until I went to Council and could not find our names when this '80 business came up.
Q You say you married her in 1879? A Yes, sir.
Q And have been living together ever since? A Yes, sir.
Q Is she your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.

COM'R MIDDLES: --William Vann applies for the enrollment of himself, his wife, Hannah, and his child, Annie. Upon examination of the roll of 1880 the names of himself and wife are not found, but they are found upon the Kerns-Clifton roll, and his child, Annie, is found upon said roll, according to the page and number of the roll as indicated in the testimony. His wife, Hannah, is identified upon the Wallace roll. He makes satisfactory proof as to residence. Now comes the Cherokee Nation by its representative, Mr. Bell, and asks that the testimony of Anderson Lynch taken in the case of Harvey Martin, on D. card #280, be made part of the record in this case. The said William Vann avers that he is the child of Peggie Lynch and that his wife is the child of George Johnson and Nancy Watie. None of their names are found upon the authenticated roll of 1880. They are all duly identified and make satisfactory proof as to residence. By reason of the fact that their names are not found upon the authenticated roll of 1880 and further fact that their citizenship is contested by the Cherokee Nation, William Vann, his wife, Hannah, and his child, Annie, will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card awaiting further consideration of the Commission. When a decision is arrived at the applicant will be notified by mail.

---oooOOOooo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of May, 1906.

Commissioner.

B. F. D. 309

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date ..... May 16, 1901

Post Office ..... Lenapah, I. T.

District ..... Cooweescoowee

1. Name William Vann ..... Age 45

Owner's name ~~Jno. Lynch~~ ..... Citizenship Cherokee

Year 1880 Page ~~5~~ 154 No. ~~[illegible]~~ District Coo

Parents:

Father Wm. Vann - living Citizenship .....

Mother Peggy Lynch - dead Citizenship .....

2. Name of wife Hannah Vann ..... Age 46

Owner's name ..... Citizenship .....

Year Wallace Page 156 No. 3424 District .....

Parents:

Father Geo. Johnson - dead Citizenship .....

Mother Nancy Waters - dead Citizenship .....

Names of Children:

3. Annie Vann Year 88 Page 156 No. 3861 Dist. Coo 17

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. ~~Year~~ Page No. Dist.

10 ~~Year~~ Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Wm. Vann Stenographer J. C. Fraser

~~Chas. Coffee~~ Wm. Vann

6

F. D. 309.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 14 1903

To be filed with case of William Vann, et al., C. T.-D.#519:
Testimony of Anderson Lynch given in case of Harvey Martin, et al., C. T.-D.#520.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 16th, 1901.

ANDERSON LYNCH, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant: (Examined by COM'R NEEDLES.)

Q What is your name? A Anderson Lynch.
Q How old are you? A 64.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q As a Cherokee freedman? A Yes, sir.
Q Do you know the applicant here? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his father's name? A Nelson Martin.
Q Did you know his mother? A Yes, sir.
Q What was her name? A Nenny Martin.
Q Is she living? A No, sir.
Q Was Nelson Martin a slave? A Yes, sir.
Q To whom did he belong? A Joe Martin.
Q Was he a Cherokee citizen by blood? A He was.
Q Was Nelson Martin taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Kansas.
Q When did he return to the Cherokee Nation from Kansas after the war? A He came to my place in '66.
Q Was you living there then--came to where you was living in 1866?
A Yes, sir, in the fall of '66.
Q Did he remain in the Cherokee Nation after that till he died?
A Yes, sir
Q Was his wife Nenny with him when he came to your place?
A Yes, sir
Q Was she born a slave before the war? A Yes, sir.
Q Who did she belong to? A To the same man.
Q Joe Martin? A Yes, sir.
Q Nelson and Nenny Martin were this applicant's father and mother?
A Yes, sir.
Q And they came back to the Cherokee Nation in 1866? A Yes, sir.
Q Do you know Harvey Martin to be their child? A Yes, sir.
Q Did you know his wife's father and mother--his wife Curtie?
A Her mother was named Phyllis Majors, yes sir I knowed her, but I don't know who her father was.
Q His wife is named Curtie and her mother was named Phyllis Majors?
A Yes, sir, she is dead, Curtie's mother.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A I don't know the name.
Q Do you know where she was in '66? A No, sir.

BY T. B. NEEL, Cherokee Representative:

Q What place were you living on in '66? A The Charles Landrum place, on this side of the river.
Q How long did you live there? A That winter and the next year I crossed the river and went on the Lynch place.
Q When did you get back here? A I came back in '66.
Q Did you see Lee Lynch in '66? Did you know him? A I know him, yes, sir, I rented a place from him.
Q You saw him in '66 did you? A I think I saw him in '66
Q You must have been him if you rented a place from him? A Yes,

Q What time in that year did you rent that place from him?
A It was in the spring 1867.
Q You say Nelson Martin came to your place? A Yes, sir.
Q When? A In the fall of 1866.
Q Well what part of the fall, there's three months of fall, was it the middle or early or late in the fall? A Front was fulking when he came down.
Q Did he settle there? A He never settle right away, he rented.
Q Where did he rent? A He rented a place from me.
Q Where was that place he rented from you? A On the old Harrison place.
Q In Saline District? A Yes, sir.
Q The other side of the river? A Yes, sir.
Q That was in the year 1866? A It must have been along there.
Q Then what became of him? A Then he moved from there and went and made a place where the Sarapers are living, there he got a place from Watt Johnson.
Q How far was that from where you were living? A About four miles.
Q Was that on Lynch's prairie? A Yes, sir, near there.
Q Where did you make a crop in '67? A I didn't make a crop that year at all, I rented it to old man Nelson Martin.
Q Do you recollect when you moved from the Landrum place to the Harrison place? A Must have been in '67, I don't know just exactly what month it was as I never kept no track of it.
Q You can't recollect when you crossed the river? A It was the next year after I saw Nelson Martin.
Q Well, if you say Him in '66 that would be in '67 wouldn't it?
A Yes, sir.
Q And you say you moved from the Landrum place to the Lynch place after you had rented tye Harrison place to Nels. Martin?
A Yes, sir.
Q When was that? A The following year after he came there--he came that late fall or winter and staid with me and camped out and then he made a crop the next year.
Q You are certain that Nelson Martin made a crop on the old Harrison place in the year 1867? A Yes, sir, as near as I can reason it out.
Q Do you think he brought his family with him when he came to your house? A Yes, sir.

---ooeOOOeoo---

J. O. Rossen, being sworn as stenographer to the Commission to the Five Civilized Tribes, says that he made the foregoing copy and that same is a true and complete copy of the testimony of Andersen Lynch given in the case of Harvey Martin, et al, C. T. D. #280, for enrollment as Cherokee Freedman.

J. O. Rossen

Subscribed and sworn to before me this 12th day of August, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Wm. Vann

for enrollment as a Cherokee Freedman.

No. F. D. 309

I, Henry Pack, of lawful age, being duly sworn on oath states that on the 13 day of September, A. D., 1901, he registered to Wm. Vann whose postoffice is Lenapah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 18 day of September, 1901, he received the return card which is hereto attached, signed by the said William Vann showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 18 day of Sept A. D. 1901.

C Starr

Notary Public.

D 4 D309.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1901

SEP 18 19[illegible]

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Wm. Vann for enrollment as a Cherokee Freedman:

Case No. F. D. 309

To Wm. Vann Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on the following dates, to-wit: Oct. 4th A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12th day of Sept. , 1901.

W. W. Hastings

D. C. Davenport

Attorneys for the Cherokee Nation.

JS309

RIBES.

William Vann, C. S. D. 254

File with

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 9, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jesse Vann, C. S. D. 254.

Appearances:
W. W. Hastings for the Cherokee Nation.
Applicant present in person.

C. L. Lynch being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By W. W. Hastings)

Q What is your name? A C. L. Lynch.
Q What is your age? A 60.
Q What is your post office address? A Stilwell.
Q What is your father's name? A J. M. Lynch.
Q Where were you living before the war? A Over there on Grand River in Saline district, Cherokee Nation.
Q In the north end of Saline? A Yes sir.
Q Was your father dead at that time---before the war? A He died in '61, the war came up.
Q Did a colored man belong to your family named Steve Henry or Steve Lynch? A Yes sir.
Q What name did he go by? A Steve.
Q Did he have some children? A Yes sir.
Q Do you know any of their names? A He had one named Jennie and a step son named Jess.
Q Did he have any more step children before the war? A Will.
Q Who did the man belong to? A My father when the war come up.
Q Where did you go during the war? A I went south.
Q What was the mother's name, of Jess and Will? A Peggie.
Q You went south during the war? A Yes sir to Missouri and Texas.
Q Well, did you own any property in the north end of Saline district when the war came up? A Yes sir.
Q When did you come back after the war? A February '6?.
Q Where to? A I come back to Saline district and to different districts
Q To your old home? A Yes sir.
Q For what purpose? A I had an interest there.
Q How long did you stay there in February of '6?? A I dont recollect exactly how long I staid there; not right on the old place very long.
Q I mean in that neighborhood? A 2 or 3 months I reckon.
Q Did you see anything of your old slave Steve? A I dont recollect seeing him at that time in '6?
Q Was he living on the old place at that time? A No sir he wasn't .
Q What did you do with the place? A Sold it.
Q When? A I dont recollect.
Q What did you do with it that year you first came there? A Rented it.
Q Who to? A Mr. Ransom.
Q [illegible]? A Yes sir.
Q Is that [illegible]'s father-in-law? A Yes sir.
Q How you say you were around there for two or three months that time? A Yes sir I [illegible] off and on, I went to Flint district and back again [illegible] and 8.
Q Did you [illegible] there? A Yes sir.
Q Well, [illegible] September? A Met Simon, Anderson, Art and one named [illegible], old [illegible]'s family and and old lady named Peggie.
Q Do you remember [illegible] pretty well? A Yes sir.
Q What other name did he go by? A Crop.
Q Did you rent him a part of that place that year? A Yes sir, I had a little place of my own that I rented him.

Q Separate place? A Yes sir.
(By Mr. L. B. Bell, Cherokee Representative)
Q That was that place you rented of [illegible]? A The Harrison place.
Q Where was that? A 2 and a half miles below,on the river.
Q Above or below Island Ford? A Below.
Q How long did Crop stay there? A I dont know exactly.
Q Did you seal it to him afterwards? A Yes sir.
Q When? A The fall of '67.
Q Was you there when Crop made a crop there? A Yes sir.
Q Did this Steve help him make that crop? A No sir, he wasn't there when I rented that place.
Q What was Peggie's name---Steve's wife? A Indian Peggie.
Q You had two Peggie's as slaves? A Yes sir.
Q Steve had a wife before he married Peggie? A Yes sir.
Q What was her name? A Hannah.
Q Did you see any of Steve's family? A No sir.
Q Neither his wife nor children? A No sir not at that time.
Q When did you first see Steve up there? A I cant say exactly,some time in '66, but I dont know when he came there.
(By the Commission)
Q Who did Steve Lynch belong to? A Job M. Lynch.
Q Did you know Jess Vann, his step-son? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A J. M. Lynch.
Q Where did they go during the war? A North, I understand.
Q Do you know when they returned? A No sir.
Q The first time you saw them was in '66? A Yes sir.
Q Where they were in '66 you don't know? A No sir.
Q What time did you seal Anderson Lynch the old Harrison place? A I don't recollect exactly,I rented it to him in '67 and I think I sold it to him in the fall or winter of '67.
Q Are you sure of that? A To the best of my recollection.
Q When did you come back yourself? A '67.
Q You went out during the war? A Yes sir.

WALTER WEST,being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Mr. L. B. Bell)
Q What is your name? A Walter West.
Q What is your age? A Spavinaw
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q How long have you been that? A Little over six years.
Q Where did you live at during the beginning of the war? A I lived on Spavinaw.
Q That might be most anywhere; don't you know what State,Nation or where? A Saline District, Cherokee Nation.
Q Did you go out of the country during the war? A Yes sir.
Q Where did you go? A South.
Q When did you return to the Cherokee Nation after the close of the war? A Spring of '66 that is when I came here.
Q Where did you settle---did you settle where you are now? A No sir I camped in a tent on the old Military road on the Neosho river the first place.
Q Where did you get a house to live in? A I had a tent then.
Q Well, when did you quit the tent and go to living in a house? A As well as I can recollect it was the winter of '67 I got my lumber and in the spring of '67 I built.
Q Where? A On the Military road below Cabin creek in Delaware district.
Q How far from where the Military road crosses Cabin creek? A About a half a mile.
Q Were you acquainted with old Charley Lynch in Saline district, Cherokee Nation? A Yes sir.

Q D'd you know a colored man named Steven? A Yes sir.
Q Did you know his family? A Not just that time.
Q Did you ever meet him after the war? A Yes sir.
Q In the Creek Nation? A Yes sir.
Q Where and when? A Spring of '68, February or March at the old Lynch farm.
Q Was he living there then? A He told me he had just moved in the day before. I rode up to the house and he came out on the porch and I never got off my horse.
Q Where did he tell you he came from? A From Kansas, he said.
Q That was in the spring of '68? A Yes sir.
Q Was that the first time you saw him there? A Yes sir.
Q Did he have any family with him then? A I never saw any, I never got off my horse as I never had no business there, just rode up to the fence and talked with him.
Q Do you know this applicant here, Jesse Vann? A I do now, but I didn't at that time.
Q Did you know at that time that he was Steve Lynch's step son? A No sir
Q When did you learn that? A Afterwards.
Q How far is it from where you live to where Steve Lynche stopped that time? A Two and a half or three miles.
Q How far from the mouth of Cabin creek was that to where you lived? A About two and a half miles.
Q You met him on the east side of Grand river did you? A Yes sir.
Q What place did you say it was? A The old Lynch place.
(By applicant or witness)
Q In the first place I would like to know where was Steve Lynch living when you moved there and went to hauling that lumber for to build that house? A He was in Kansas I reckon, that is what he said.
~~Q What do that he said~~ (This question cut out by request of applicant)
Q Next question: When you met Steve Henry, did you know where he was living at that time? A He didn't have any place at that time.
Q I understood that you didn't have any business to get off'en you horse so how could you know he had no place? A Well that was Lynch's house where I saw him.
Q I wants to know if this Steve Henry told you what place he was living on at that there time? A He never told me that—I told you that he said he had just moved in the day before.
You say you met him on the Lynch farm when he first came in? A I didn't meet him, I rode by there and stopped and he was there at the house.
Q Was he horseback or standing? A He was standing on his feet talking to me.
Q Where did you live at that time? A This side of the river.
Q In a house? A Yes sir.
Q How far from Grand river? A Two and a half miles.
Q You never knew this woman that they called Indian Peggie before the war did you? A Yes sir.
Q Who did she belong to before she belonged to Joe Lynch? A To a full blood Indian who lived on Rose Prairie named Watt Stopp.
Q Do you know when Lynch bought her? A Just before the war.
Q Then you knowed the whole family all but the children? A I knowed Steve and Peggie.
Q When Peggie was sold did she have any children? A I dont remember how many children she had.
Q Dont remember? A (No response)
Q How long did you know her before the war? A I knowed her about 5 or 6 years maybe longer.
Q You know that she belonged to some full blood before the war but didn't know his name? A I told you it was Watt Stopp.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you know him ? A I never went to his house except when he was [illegible] he and my grandfather used to preach together and I went there then.

(By the Commission)
Q You know Steve Lynch before the war? A Yes sir.
Q He was a slave? A Yes sir.
Q You didn't know Jess Vann, his step son? A No sir not until after the war
Q All you know of Steve Lynch's returned to the Cherokee Nation is what he told you? A Yes sir.
Q All you know of where he lived before his return was what he told you? A Yes sir.
Q Peggie Indian Peggie, was his wife? A Yes sir.
Q Was she there when you saw him first? A I never saw her that morning, I saw her a few weeks afterwards.
(By Bell)
Q Where did Steve Henry settle after war? A On the south side of Grand river, or east you might call it, below Leland Ford two miles.
Q How far from the Lynch place where you first saw him? A Mile and a half.
(By the Commission)
Q Is this Steve Henry and Steve Lynch the same man? A Yes sir.
Q You have no doubt in your own mind as to this being in '68? A No sir
Q You were out yourself during the war? A Yes sir.
Q When did you return? A In '66.
Q And you are satisfied that it was two years after you returned that you saw him? A Yes sir.

GEORGE W. CLARK being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Hastings)
Q What is your name? A George W. Clark.
Q What is your age? A 58.
Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.
Q Did you live in theCherokee Nation before the war? A Yes sir, all my life.
Q Were you in the Northern Army during the war? A Yes sir
Q Where did you locate just after the war? A On Lynches Prairie, Saline District, Cherokee Nation.
Q On Grand river? A Yes sir in the neighborhood where I am living now.
Q Did you know old man Joe Lynch before the war--father of Lon Lynch? A Yes sir.
Q Do you know this Lon Lynch who just testified in this case? A Yes sir
Q Did you know a slave that belonged to the family named Steve Lynch or Henry? A Yes sir, I knowed him before Lynch owned him, as Buffington.
Q Did you know his wife, Peggie? A I knew her after the war.
Q Didn't know her before the war? A No sir.
Q Did you know their children? A Yes sir.
Q Name some of them? A I need a couple of them--her children--my understanding was that they was her children--uncle Steve's step children, one was named Jess and one was named William.
Q What time did you come back here after the war? A As soon as I was mustered out I came back there and married and have been there ever since.
Q Come back when? A '66.
Q Who owned that place before the war that you went to when you returned? A Joe Lynch, during the war the Northern Indians sold the Southern Indians plows and my father in law bought it.
Q Where did you live in '68? A Right below my father in law, four miles below him.
Q Where did your father in law live in '68? A On the Joe Lynch place.
Q What was your father in law's name? A George W. Scraper.
Q Is he dead now? A Yes sir.
Q When did you first see this Steve Lynch or Henry after the war? A No

came on a visit down there in the fall of '67 and stopped there with some other colored people that belonged to the Lynch family, George and Simon.
Q Was his family there? A No sir he was on a visit by himself.
Q Did you see him? A Yes sir.
Q Where did he say he was from? A Kansas.
Q Where was his family then? A He said in Kansas.
Q What was in '67? A Yes sir.
Q What did you next see him? A Fall of '68.
Q Was his family there then? A Yes sir.
Q You know this family well do you? A Yes sir, they live close to me.
Q How far do they live from you? A 3 or 4 miles, from where I lived then and now three and a half miles according to the measure line.
Q This is the same Steve? A Yes sir the same one.
Q Same one that you had a talk with in the fall of '67? A Yes sir. There was a colored man that used to belong to uncle Joe that was named George and he was a blacksmith and had a shop up there and did the neighborhood blacksmithing, I saw Steve there when I went to have some blacksmithing done.
Q He never made a crop on the old Joe Lynch place in '66? A No sir, my father in law made a crop there that year.
(By I. B. Bell)
Q Did he make a crop on the Harrison place in '66 ? A No sir it was a vacant place then, no one lived on it.
(By applicant of witness)
Q How long before you saw Steve Henry before you moved to the Dirteater place? A I moved to the Dirteater place before '66.
Q Then you didn't know Steve Henry before you moved to the Dirteater place? A Yes sir I knew him before the war.
(By the Commission)
Q Did you know this applicant here? A Yes sir I know him.
Q Was he up there at that time? A Yes sir they was the old lady's boys, my understanding is that these two boys is only step children of old uncle Steve.
Q Did you know these two boys before the war? A No sir.
Q If Steve came there into the country and located a place before that you dont know it? A No sir.
Q The first time you saw him was in '67? A Yes sir after the war.
Q He had been a slave? A Yes sir, belonged to Buffington before he belonged to Lynch.

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This will be filed in the following Cherokee freedmen doubtful cases: D-254; D-318; D-190; D-661; D-636 and D-309.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof in

Subscribed and sworn to before me this the 14th of October, 1901.

Commissioner.

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POOR ORIGINAL -
BEST AVAILABLE COPY

Testimony of the Intervenor.
Commissioner to the Five Civilized Tribes.
Muskogee, I. T. October, 26th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of William Vann et al., I. T. D. 220.

Appearances:
W. W. Hastings for the Cherokee Nation
Applicant present in person.

HANNAH VANN being duly sworn by Commissioner T. B. Needles, testified as follows on the part of the applicant:
(By the Commission)
Q What is your name? A Hannah Vann.
Q Are you the wife of William Vann, the applicant? A Yes sir.
Q What was your mother's name? A Nancy.
Q Do you claim your citizenship through your mother? A Mother and Father both.
Q What was your father's name? A George Johnson.
Q Are they living? A No sir both of them is dead.
Q How long have they been dead? A Father died in January 1889.
Q How long had your mother been dead? A I can't tell just exactly what year it was. I was born in '61 and she died when I was little
Q Are your father and mother on the roll of 1880? A Yes sir.
Q Both of them on the roll of 1880? A My father is on it, my mother was dead then.
Q What did you say your father's name was? A George Johnson.
Q Where were you born? A I was born in the Nation here.
Q Cherokee Nation? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q When were you married to William Vann? A In 1878
Q Did your father live in Saline district? A Yes sir and died there.

The 1880 roll examined for the father of this witness, and his name is found thereon as follows:Page 249 No 898,George Johnson, Saline district.

Q What was your mother's name? A Nancy.
Q Did your father marry again after your mother died? A Yes sir he married Rachel.
Q Was your father and mother married? A Yes sir.
Q Have you any proof of their marriage? A Yes sir.
(By Hastings)
Q Have you have any sisters? A Yes sir.
Q What were their names? A Jennie.
Q Is she your full sister? A No sir half sister.
Q And Malinda and Johnnie? A Yes sir.
Q Your father and mother never lived together after the war? A No sir, she died.
Q Where did she die? A I don't know where she did die.
Q You wasn't old enough to remember? A No sir.
Q Where were you when you ever first remember your father? A I was on Honey Creek or Honey Creek with my grand mother.
Q What was her name? Nancy Ridge.
Q Your father didn't raise you then? A He came and got me from my grandmother.
Q She raised you from the time your mother died until you got up to be a great big girl? A Yes sir.
Q How old were you when your father came and got you from your grand mother? A Six years old.
Q Where was your grandmother living? A On Honey Creek or Honey Creek
Q You don't know who else was living there? Ben Berrington and Jack Miller was living there.
Q You said your mother's mother? A Yes sir.
Q Who were you living with when you were married? A With my father.
Q In Saline County? A Yes sir.

Q Now, about these half sisters,are they living or dead? A All living.

ALICE LYNCH being first duly sworn by Governor-Commissioner T. H. Hawkins testified as follows for the applicant.

Q What is your name? A Alice Lynch.
Q How old are you? A 61.
Q What is your post office address? A Whitehorse.
Q Are you a recognized Yukon Indian? A Yes sir.
Q Do you know Hannah Vann? A Yes sir.
Q Do you know her husband? A His name is Bill Vann or Bill Shore we always call him
Q Did you know Hannah Vann's mother? A Yes sir.
Q What was her name? A She used to belong to Stan Watts.
Q What was her father's name? George Lynch or Johnson they called him.
Q Where were they married? A They married just like Indians used to do.
Q They lived together as man and wife did they? A Yes sir.
Q For how long? A Two and a half years, he worked there at Stan Watts and staid with this woman there.
Q Is this girl's father and mother dead? A Yes sir.
Q Did you know this girl when she was born? A Yes sir.
Q Was she always considered as the child of George and Nancy? A Yes sir.
Q How long did they live together as man and wife? A He was up there at St.n Watts about two years, he was hired out there and he married this woman and got this child by her there.
Q Did he marry again after the mother of Hannah died? A Yes sir.
Q Who? A Rachel Gallena.
Q Is she dead? A Yes si n
Q Did George have any children by his first wife other than Hannah? A That is all.
Q Did he have any children by his second wife? A Yes sir.
Q How many? A Two or three.
Q What were their names? A Johnson and one girl ——I don't know exactly what their names were.
Q How long did you say he lived with the mother of Hannah? A He lived with her all the time he was up there at Stan Watts,and he was there over two years.
Q How long after that did she die? A She went south with Stan Watts.
Q Did she die during the war? A Yes sir she died there.
Q Did George go south with her? A No sir he went north,he was in the army with me.
Q Was this girl born in the Shawkan Nation? Yes sir, on Brush creek.
Q Do you know when she came back here? A We came here in '98 in February and during that summer George went to this girl's grandmother and got this girl.
Q Has she lived here ever since? A Yes sir

(By Hastings)

Q Where were you living in '98 and '99? A Over here on Lynch's Prairie.
Q Where was Stan Watts living then? A On Brush creek.
Q What Brush creek? A Deep Creekville.
Q How far from where you lived? A 25 miles.
Q George was hired out to Stan Watts? A Yes sir and worked there in the blacksmith shop at the mill.
Q And you think that he was living with the mother of this woman? A Yes sir they told me so.
Q Was this child born there? A Yes sir just about the time of the breaking out of the war.
Q Did you ever see this woman regularly before the war? A Yes sir.
Q Where? A At Stan Watts's in the kitchen; I used all right there and see her there.
Q You say her mother's name was Nancy? A Yes sir.

Q Did they take her South? A Yes sir.
Q How long were they gone when George went and got this girl? A I dont know, I know when George came back and knew that he went and got this girl from her grand mother.s two or three miles south of Across creek.
Q How far from where Across creek runs into Grand River? A Four miles about; the place joins to the old John Log Longdrum place and the Kelly place.
Q You dont know then who brought this girl back from the South? A No sir.
Q Did George Johnson have any other children besides this one before the war? A Yes sir.
Q What one? A Joe.
Q What was his mother's name? A Rachel, she belonged to Ne Stevers.
Q Is that the one that they call Joe Benton now? A No sir they call Him Joe Lynch.
Q Was he born before this girl was born? A Yes sir.
Q You dont know how old this girl was when you first saw her when she first came back? A No sir I dont know how old , but I saw her a month or six weeks after he got her.
Q When was it? A I dont know if it was in '67 or when exactly.
(By the Commission)
Q She was then just a little girl?A Yes sir.
George Vann, being sworn by Com'r Moodies, testified as follows for the applicant:
Q What is your name? A George Vann.'
Q What is your age? A 52.
Q What is your post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q Do you know Hannah Vann? A Yes sir.
Q Is she married? A Yes sir.
Q What is her husband's name? A William Vann.
Q Do you know her father? A Yes sir.
Q What was his name? A George Johnson.
Q Did you know her mother? A No sir.
Q Do you know when Hannah was born? A No sir.
Q When did you first know her? A In '67 living with her father.
Q Was her father Married at that time? A Yes sir.
Q What was his wife's name at that time? A I forget her name.
Q Was that his first or second wife? A Second wife, Rachel is her name.
Q She didn't pretend to be the mother of Hannah? A No sir.
Q You didn't know her mother? A No sir.
Q Don't know if she and George lived together? A No sir.
Q When did you first know George? A Ever since I first recollect.
Q Did he go out of the Cherokee Nation during the war? A Yes sir he was a soldier.
Q When did he get back here? A I dont know, I saw this girl through with him in '67.
(By Hastings)
Q What time in '67 did you see this girl? A In January.
Q What time in January? A After Christmas two or three weeks.
Q Where was George living at the time? A On the old Lynch place I think.
Q.You saw him there? A Yes sir.
Q Why is it that you can remember exactly for 52 years that you saw him in January? A As I said before when Johnson lost his horses he went in the neighborhood to hunt them, and went to Hogeville and through in there.
Q How old was this child at that time? A Just a little girl.
Q How do you know that she was there? A George's child was there and I saw them from that time on.
Q Did he have any other children there? A Yes sir, and I saw this one from that time on up.

By Com'r T. B. Hastings- On May 16th 1901 William Vann applied for

(2)

The deponent of Hannah, his wife, Hannah and one child and he has his wife and will more planet on [illegible] and [illegible] Hannah Vann, wife of the said William Vann, in person and [illegible] Johnson in duly identified as the natural child of [illegible] according to the best and highest on information and belief. The testimony shows problems to the first that George Johnson who married to one Henry Hannah, who was the mother of the applicant Hannah, and that Henry Hannah died before 1866, and that after he death the said George Johnson married one Rachel Johnson, who is the step mother of the applicant. The testimony points strongly to the fact that the applicant Hannah Vann returned to the Cherokee Nation in 1866 or by, time she was a child when she returned and that she has been living in the Cherokee Nation continuously since that time. The all testimony given satisfactorily that she is the natural the child of William Vann, dead. This testimony will be filed with the original application that of William Vann on No. 6[illegible] Roll.

[illegible]

Then. you Vann, being first duly sworn states that he understands to the Commission he the Five Civilized Tribes he requested in full all the proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 6th of November, 1901.

Commissioner.

FB309

FILED

OCT 16 1901

FEDERAL TRADE COMMISSION

- 3 -

File [illegible] Cherokee Enrollment Cases, Vann Jesse et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1900.

In the matter of the application of Jesse Vann et al. for enrollment as Cherokee freedmen.

Supplemental testimony on behalf of the Applicants:

Appearances:
L. T. Brown, Agent for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ALLEN LYNCH, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Allen Lynch.
Q How old are you? A 62 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have lived here all my life pretty near.

By L. T. Brown: Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A Yes, sir.
Q Do you know the applicant, Jesse Vann? A Yes, sir, I know him.
Q Has he any brothers or sisters? A Yes, sir.
Q Name them please? A Well there is Bill Vann and Dan Henry.
Q Is he known by any other name than Henry? A Well they call him Dan Lynch, or Dan Steve, he is a son of Stephen Lynch.
Q What was Jesse Vann's father's name? A Bill Vann.
Q Jesse Vann's father's have two Bill Vann? A Yes, sir.
Q What was Dan Lynch's father's name? A Steve Lynch.
Q What relation is Dan Lynch to Jesse Vann? A Half brothers.
Q Jesse Vann and Dan Lynch had the same mother? A Same mother.
Q What was her name? A Peggy Lynch.
Q At the close of the war, with whom was Steve Lynch living? A At the close of the war Steve Lynch was in Kansas.
Q With whom was he living as his wife? A Peggy Lynch, that is the mother of Bill and Jesse.
Q Is she also the mother of Dan? A Yes, sir.
Q Do you know when Steve Lynch returned to the Cherokee Nation after the close of the Civil War? A Yes, I know the first time he came down.
Q Please state when? A Well he came down in the fall of '66, I can't tell just exactly what time.
Q Do you viewed Mr. Lynch and relate the circumstance of his coming? A Well he came down here and some other men and stayed down here a week or ten days resting up their horses, and then went back to Kansas; first they went and improved them a claim and afterwards somebody took it away from him when he came back, but Crap went with him Christmas and helped them move down, but what time they got down here can't tell.
Q Whom Crap is that you speak of? A Crap Lynch.
Q This you say was in the fall or winter of '66? A Just in the fall before it got cold weather.
Q Now after he went back to Kansas during that year, did he ever return? A That I don't know, I don't know when he got back.
Q Did he return? A Yes, sir, he got back.
Q After his return the second time did he continue to live in the Cherokee Nation until his death? A Yes, sir.
Mr. Davenport: Is Crap Lynch sometimes known as Anderson Lynch?
A Yes, sir.
Q When did Anderson Lynch come back to the Cherokee Nation? A Anderson Lynch came back in '66 if I recollect just right.
Q Will [illegible] this applicant, Jess Vann, came back, where were you [illegible] I am talking about.

Q Well, where was this applicant at that time? A He was back in Kansas with his mother, the children was back in Kansas when the old man came.

Q Well, where was Jess Tom? A He was living with the old man, his stepfather: Steve Lynch was his step father.

Q Well, where was you living when this applicant in this case came to the Cherokee Nation? A Yes: I was living out there about ten miles, about that; I don't know when they did come down here. I can't tell you just when Jess and come: I know when the old man came.

Q When did the old man come? A He came along in the fall, before Christmas, and him and Crap went back to move down: I don't know just when he got back.

Q He came back down here with his family sometime after George Clark moved out there near you and George Clark lives up there? A Maybe, he did, but I don't know.

Q Don't you know when George Clark moved there? A No, sir, I went away, I wasn't there when he came.

Q Well, Watt West was living there when he came? A No, sir, got there on the river.

Q Was either Watt West or George Clark living there when you went away? A George Clark moved out the time I went away.

Q Had he moved out there before this man and his family moved down? A Before Crap went after him, no, sir.

Q But you don't know anything about when any of these applicants came; you know the father came here sometime after the war? A I saw him here and I saw him and Crap when he started back to Kansas.

Q Is Crap has testified George Clark and Watt West were both living out there when they came down, is that true or not? A I don't know, I wasn't living in the neighborhood.

Q You don't know when the applicant moved down? A No, sir, not when they moved down.

By L. T. Brown: I believe you have already stated that when Steve Lynch returned to the Cherokee Nation in the year 1866, that he made him a claim here? A Yes, I say he made him a claim.

Mr. Davenport: Where was that claim? A It was on the prairie the other side of Lynch's old place and old man Houston Benge took it away from him when he came down: Anderson Benge.

By L.B.Bell, Cherokee counsel: There was you in October, 1866? A I was down there on that Dirtester place.

Q What time did you move onto it? A Well I don't know exactly, didn't exactly move on there at all, I was just living, I had no family, I stayed at McCrary's and Simm's sometimes and at Lewis' and Simon's and sometimes at Crapo, I had nothing to move.

Q Well, you stayed around there at Crap's you say? A I was around to Crap's, yes, sir.

Q You had no particular location? A No, sir.

Q What time did you finally locate? A It was in '67 I believe it was.

Q Where did you settle then? A Settled right down there, that is I stopped down there at Andy Fritz's family right below the Doctor Thompson place, that is I stopped with him but I worked for Johnson Thompson.

Q It was in '67? A That was in '67.

Q You married along about that time, that year? A Yes, sir, I believe so.

Q Now where were you living in August, 1866? A If I don't mistake, I was living right there at the mouth of Mustang Creek close to what was called the Arch Simmons place, I am right there, there is where I was in August.

Q Well, you were living with somebody then, stopping with somebody? A Yes, sir.

Q Well, where were you living the early part of '66 around in there, in May and June? A I was living right down here at the mouth of this creek at the old Arlick place: I made a crop there.

MILLARD FILLMORE HICKS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Millard Fillmore Hicks.
Q What is your age? A About 53.
Q You have been giving your name heretofore as Fillmore Hicks? A No, sir, as Millard Fillmore.

By L. T. Brown: Mr. Hicks, do you know Stephen Henry Lynch, did you during his life time? A Yes, sir.

Q When did you see him for the first time after the close of the Civil War, in the Cherokee Nation? A My best recollection, it was sometime in the fall of '66.

Q Did he continue to live in the Cherokee Nation from that time until his death? A Well, I can't say right from that time that he did.

Q Well, did he make this his home? A He made it his home.
Q Are you a recognized citizen of the Cherokee Nation? A Claim to be.
Q By blood? A Yes, sir.
Q Your name is on the roll of 1880? A Yes, sir.

Mr. Davenport: You are sometimes called Cap Hicks? A Yes, sir.

Q Now are you the same Cap Hicks that you and a man called Anderson got that mule for swearing for that party; didn't you and Andy Frye get a mule for swearing for some fellow? A I and Andy Frye did.
Q Who did you swear for? A Aaron Martin.

Mr. Bell: Do you know where he came from in Kansas or where he went to? A No, sir, I don't.

Commissioner: Copies of this testimony will be filed in Cherokee Pre-Civil War doubtful cases D-854, D-851, D-198, D-316, and D-209.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 14th of November, 1901.

Notary Public.

30309

COMMISSION

MAY 1 1902

ACTING CHAIRMAN

File with D. T. 3-999.

Department of the Interior,
[illegible] to the Five Civilized Tribes,
Muskogee, I.T., April 28, 1902.

In the matter of the application of Steve Ward and others for enrollment as Cherokee freedmen.

Applicant represented by Lewis W. Moore, Vinita, I. T.
Cherokee Nation represented by [illegible].

JOSEPHINE HAMILTON, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Josephine Hamilton.
Q Where do you live, Mrs. Hamilton? A I live in Linn County, Kansas.
Q How long have you lived in Linn County, Kansas? A I have lived there the greater part of the time since '67. I have been out of the county a few times on visits, and was away some eight or ten months at a time, but that's been my home ever since '67.
Q Since you lived in that county did yo- get acquainted with a colored man by the name of Stephen Lyneh? A Yes, sir.
Q When did you first get acquainted with him? A I must have seen him first in the fall of '68 or winter, I won't be certain whether it was in the winter or fall, but I think it was in the fall.
Q Do you know whether or not he had a family? A Yes, sir, he had a wife and some children.
Q What was his wife's name, if you know? A Peggie.
Q Do you remember the names of any of his children? A The elder boy they called Jesse, and Will, and Vibby the eldest girl, and I am not positive which of the others was the elder, Julia Ann, and one called Judie, I think Julia Ann is probably the eldest one. Those children he brought there to the place when he came.
Q Well, now, on those place did I understand you to say they lived; after you got acquainted with them whose farm did they live on? A They lived on my husband's place, William B. Emerson, that's my first husband.
Q You say that the children you have named they were in the family when they moved on the place? A When they moved on the place he brought those four children with them.
Q While they were living on your place were there any children born to the family? A Three others.
Q What were their names? A Judie was one, and Nettie and Sarah, but Sarah died when she was small, Sarah died when she was probably about two months old.
Q Well, about how long did they live on your place or about what year did they leave or move away from the place? A They moved in the fall of '77.
Q Your husband was a kind of business accounting affairs, and kept accounts with the different parties that were on the farm? A He was always particular in keeping his accounts. He was the surveyor of Linn County, and had a great deal of business, and it became necessary for him to keep them in good order.
Q Do you know [illegible] or not during the year '77 he kept an account between himself and Stephen Lynch, a book account? A Yes, sir.
Q Do you know where that book is now? A I have had it in my possession all these years.
Q Is that husband living at present? A [illegible]
Q Would you recognize the [illegible]? A Yes, sir, I would.
Q I will ask you [illegible]

or not the account on page 17 of that book is in the handwriting of your deceased husband, Mr. Ransom? A Yes, sir, that's his handwriting; I will swear to it.
Q As I understand, you have had this book in your possession since the death of your husband? A Yes, sir.
Q You knew Stephen Lynch's family and he well because they lived on the farm there for several years? A I lived on the farm, they raised five crops on the farm.
Q You don't know where these older children were born that you speak of? A No, I don't.
Q Do you know whether or not Stephen's children, the older ones that you named, are children by another husband of Peggie's? A I think they were children by another husband.
Q You don't know that of anything about it? A: Only as I have heard them say so. I have heard Peggie speak of it frequently, that those older children were not Steve's.
Q I want to introduce the entries on page 17 that have been identified by the witness as being in the handwriting of her deceased husband, which book she states has been in her possession continuously since the death of her husband:

"17.

Ransom.
A. D. 1867.

Stephen Lynch, Mr. A. D. 1867. Cr.

July 6th,	By labor five days,	13	$ 2 50	
" 13th,	By three days labor,	14	2 00	
" 20,	By four days labor bull, 50	"	4 50	
" 23,	By four days labor hoeing corn		1 00	
" 26th,	By one-half days labor by Sal. 13		50	
" 29th,	By one-half days labor by S.L.'s J.'		75	
" 30th,	2 3/4 gallons		75	
August 5th,	To cash	16	22 50	
			2968	
August 21,	By cellar ditch,	16	3 00	
	Labor by Peggie		21 25	
August 15th,	To cash	17	10 00	
Sept. 28,	To threshing wheat	22	1 16	
October 5,	To cash	23	5 00	
" 14,	By cash	"	5 00	
" 21st	By cash	"	25 13	
August 15th,	By 13 days work	17	13 00	
August 15th,	By [illegible] days work	15th	1 30	
Sept. 24,	By hauling [illegible]	22	50	
" 30th,	By [illegible] cash	23	25 75	
" "	By Peggie		15 40	

[illegible] Mr. Lynch, at the top of this page referred to [illegible] was that [illegible] Library by the word Stephen was written; can you tell us [illegible] A No.
Q Don't know who was [illegible] to that Stephen was wrote over it, do you? A No, sir, I don't. I don't know but there was any such words of course I cannot tell. I [illegible] picture in writing.
[illegible] how long did you [illegible] with Mr. [illegible] Ransom? A He passed away [illegible] [illegible] from about [illegible] [illegible] [illegible]

Q And during the month of December, '99, where was he? A If he was off of the place I didn't know it; I don't know where he was, he was on there I think.
Q It was possible for him to have gone away from that place and stayed as much as ten days and you not know it? A He might have done it.
Q He could have done it without you knowing it; you didn't have an occasion to know when he went and where he went, did you? A No, sir, not at all times.
Q Now then, if this applicant claims to have come to the Choctaw Nation in the month of December, '99, and stayed three or four or five days, are you prepared to say that he didn't come? A Not to my knowledge he didn't.
Q But you wouldn't swear positively that he wasn't here three or four days in the month of December, '99, would you? A I have no knowledge of it whatever.
Q Well, I say you wouldn't swear positively that he wasn't here three or four days during that month in that year? A Well, I think I could certainly say no, he wasn't.
Q Well, were you away from the farm any time during the years from '99 to '07? A Not any length of time.
Q For how long a time would you be away? A Not more than two days at a time.
Q Not more than two days? A No, sir.
Q Well, now you spoke of being away eight or ten months, was that during that time or since then? A Years and years since, probably fifteen years ago; not while they were there though.
Q There were a great many colored people in that neighborhood at that time that came from the Territory, were there not? A Well, I didn't know where they came from. There were quite a number came to visit Steve while he was on my place.
Q Well, now, Mrs. Bumgarner, do you know any colored family that left there in the fall of '99? A I do not.
Q You wouldn't have remembered anything about Stephen Lynch being there during the year '99 if it hadn't been from the fact that you have this book, would you? A Certainly I would; I remember well when he left if I hadn't seen that book.
Q How many years ago has that been? A It was the year of '07 I guess.
Q It's been about thirty-five years ago, has it not? A Yes, sir, I should say it has.
Q Is there anything to impress the leaving of this man upon your mind or your memory? A Yes, sir, we say him leave the place.
Q Well, you have seen other people leave, haven't you? A Yes, sir.
Q Do you remember the month and the year they left thirty-six or six years ago? A Well, I didn't remember the month to be sure, but I knew it was after the crop was laid by and gathered and everything.
Q Well, now, during the [illegible] when there wasn't much to do on the farm was there? A [illegible] always hired his work done by me away from home, and [illegible] he would come, first there to attend to everything on the [illegible].
Q Well now did your husband have [illegible] during the year '99? A Yes, sir.
Q Does this book show any account that he was hired? A No, not that book.
Q Have you any book that does? A I had a diary, but I didn't bring it.
Q Did you look in that diary before you left here to see whether or not that it [illegible]

[illegible]

dictation before Gov. You say that this began about that time I think.

[illegible]: This testimony will be filed with and made a part of the [illegible] in the following Cherokee Freedmen Cases: [illegible] No. 100, Docket, Docket, Docket, and in the case of Mrs. No. [illegible].

Arthur G. Geminger, being first duly sworn, states that he as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G Geminger

Subscribed and sworn to before me this 26th day of April, 1906.

[illegible] Foster

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Vann, et al., as Cherokee Freedmen, consolidating the applications of

Jesse Vann, et al.,.....	Cherokee Freedmen		D 254
William Vann, et al.,....	"	"	D 309
Mettie Eaton,.....	"	"	D 190
Daniel Lynch, et al.,....	"	"	D 316

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Jesse Vann for himself and his minor children, Frank, Riley and Lovat Vann; by William Vann for himself, his wife, Hannah Vann, and his minor child, Annie Vann; by Tom Eaton for his wife, Mettie Eaton, among others, the other parties to this application, being differently classified, are not embraced in this decision; and by Daniel Lynch for himself, his wife, Mary Lynch, and his minor children, Arthur and Lucine Lynch.

The evidence shows that William Vann, Hannah Vann and Jesse Vann were the slaves of Cherokee citizens at the commencement of the rebellion; and that they were taken out of the Cherokee Nation during the rebellion. It further shows that neither William Vann, Jesse Vann, nor their parents, Steve Lynch or Peggie Lynch, re turned to said Nation until after January 19, 1867.

The evidence further shows that Mettie Eaton, Daniel Lynch and their children, above named, were all born since the commencement of the rebellion, and are descednants of the said Steve Lynch and Peggie Lynch, and have no rights as Cherokee Freedmen, except such as they may have derived through them; that Mary Riley was born since 1866, and is the daughter of one Nancy Ross, through whom she claims the right to enrollment as a Cherokee Freedman; that Nancy Ross was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during the rebellion, but did not return thereto until after January 19, 1867.

It does not appear that the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

The evidence further shows that the said Hannah Vann returned to the Cherokee Nation prior to January 19, 1867, and that she has resided therein from that time up to and including the date of her application herein. The said Annie Vann, who was born since 1866, is the daughter of Hannah Vann, and being a minor is considered to have resided since her birth with her mother.

It is, therefore, the opinion of this Commission that Hannah Vann and her minor child, Annie Vann, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Jesse Vann, Frank Vann, Riley Vann, Lovat Vann, William Vann, Hettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch and Lucine Lynch as Cherokee Freedmen should be denied, under the provisions of said section twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. E. Stanley,
Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 10 1903

JCR

Cherokee F-1342.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T., April 3, 1905.

In the matter of the application of Hannah Vann for the enrollment of herself and daughter, Annie Vann, as Cherokee Freedmen. No. F-1342.

ANNIE DAVIS, being duly sworn and examined by the Commission, testified as follows:----

Q What is your name? A Annie Davis.
Q How old are you? A 20.
Q Your post-office? A Centralia, Indian Territory.
Q Your post-office use to be Lenapah? A Yes sir.
Q Are you a Cherokee Freedman? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Mark Davis.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q When were you married? A November 20.
Q What year? A 1904.
Q Are you and he living together now? A Yes sir.
Q Is your mother named--what? A Hannah Vann.

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me
this 7th day of April, 1905.

Samuel Lowman
Notary Public.

JC

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. William Vann,
Lenapah, I. T.
Cherokee P-D-509
Register.

Cherokee freedmen
D-884,A0.

Muskogee, Indian Territory, July 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

[redacted], Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1906, in the consolidated case of Jesse Vann, et al., granting the application for the enrollment of Hannah and Annie Vann, and rejecting the application for the enrollment of Jesse, Frank, Riley, Lovet and William Vann, Nettie Eaton, and Daniel, Mary, Arthur and Louise Lynch, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully, T I

Commissioner in Charge.

Enc. M-41.

COPY.

Cherokee Freedmen
D-309

Muskogee, Indian Territory, August 24, 1903

William Vann,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting your application for the enrollment of your wife, Hannah and your minor child, Annie Vann, and rejecting your application for the enrollment of yourself as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-127

Register.

Commissioner in Charge.

C O P Y.

LAND
55266/1903
64281/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 17, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated August 24, 1903, transmitting the record relative to the application of Jesse Vann et al., for enrollment as Cherokee freedmen.

Jesse Vann applied for the enrollment of himself and his minor children, Frank, Riley and Levat Vann. William Vann applied for the enrollment of himself, his wife, Hannah Vann, and their minor child, Annie Vann. Tom Raton applied for the enrollment of his wife, Nettie Raton and others. Daniel Lynch applied for the enrollment of himself, his wife, Mary Lynch, and their children, Arthur and Lucine Lynch.

The Commission says that as the other parties applied for by Tom Raton, are differently classed, they were not included in their decision. July 10, 1903, the Commission held that Hannah and Annie Vann were entitled to enrollment and that Jesse, Frank, Riley, Levat and William Vann and Nettie Raton and Daniel, Mary, Arthur and Lucine Lynch were not entitled to enrollment.

William, Hannah and Jesse Vann, the record shows, were

slaves of Cherokee citizens at the commencement of the war and that they were taken out of the Cherokee Nation during the war. Nettie Raben, Daniel Lynch and their children, were born since the commencement of the rebellion and are descendants of Steve and Peggy Lynch. Steve and Peggy Lynch were the parents of William and Jesse Vann.

The record shows that Hannah Vann returned to the Cherokee Nation within the time limit fixed by the treaty of 1866. Hannah Vann is the daughter of George Johnson, who belonged to Stand Watie, a citizen of the Cherokee Nation. The record shows that William and Jesse Vann or their parents did not return to the Cherokee Nation within the time limit fixed by the treaty of 1866, and the approval of the Commissioner's decision favorable to Hannah and Annie Vann and unfavorable to William, Jesse, Frank, Riley and Levat Vann, and Nettie Raben, and Daniel, Mary, Arthur and Lucina Lynch, is recommended.

There is also enclosed a communication from Annie T. Brown, of Vinita, Indian Territory, dated September 29, 1903, which was received with Department letter of October 14th last, (I.T.D. 8687), in which he requested that he be allowed twenty days "to complete appeal" in this case.

Very respectfully,

A.C.Tonner

Acting Commissioner.

GAW-M.

D. C. 12676-1904.

DEPARTMENT OF THE INTERIOR,

ITD 2412-1904. WASHINGTON. May 11, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 17, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application for the enrollment as Cherokee freedmen of Jesse, Frank, Riley, Lovet, William, Hannah and Annie Vann; of Tom Raton and Nettie Raton, and of Daniel, Mary, Arthur and Louise Lynch, and recommended that your decision of July 10, 1903, in favor of Hannah and Annie Vann, and adverse to all the other applicants except Tom Raton, who is otherwise classified by you, and in regard to whom no decision was rendered, be affirmed.

The Department finds no reason to disturb your decision, and it is hereby concurred in.

As William Vann and Nettie Raton are married to recognized Cherokee freedmen, you will proceed to determine their rights, if any as intermarried Cherokees. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-309

Muskogee, Indian Territory, May 18, 1904.

William Vann,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and granting your application for the enrollment of yourself, Hannah Vann, and your minor child, Annie Vann, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-309 et al.

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of William Vann et al., granting the application for the enrollment of Hannah and Annie Vann and rejecting the applications for the enrollment of William, Jesse, Frank, Riley and Levat Vann, Nettie Eaton, Daniel, Mary, Arthur and Lucine Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of

for enrollment as of the Cherokee Nation.

Cherokee No.

REGISTRY RECEIPT.

Post Office at FT. GIBSON, I. T.

Registered Letter / Parcel No. 125 Rec'd SEP 13 1901 , 190

of D. C. Starr,

addressed to William Vann
Tenaha St,
Hubbard Ross. P M.

, P. M.

Mer Fr 1343

FILED
AUG 14 1908
COMMISSION TO FIVE TRIBES.

Dep'l. Cher. Fr. D-1170.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 13, 1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of MAUD GARRETT as a Cherokee Freedman

Appearances:
N. A. Gibson, Attorney for Applicant.

MAUD GARRETT, being first duly sworn, testified as follows:

BY COMMISSION: What is your name? A Maud Garrett.
Q How old are you? A Twenty-five.
Q What is your post office address? A Muskogee.
Q What district do you live in? You live in the Creek Nation?
A Yes sir, in the Creek Nation.
Q You want to be enrolled as a Cherokee Freedman, do you?
A I enrolled on the 1880 roll as a Cherokee by blood. Never been on any other roll, and I never have drawn any other payment except the 1880 payment.
Q The Cherokee roll for 1880 shows you are on there as a Cherokee Freedman. A In 1880?
Q Yes. A They all said I was a Cherokee by blood. I drew with the Indians.
Q You have drawn money in the Cherokee Nation as a Cherokee by blood
A At the 1880 payment I did. Never drew the Strip money.
Q You want to apply then, as a Cherokee by blood?
A It doesn't matter.
Q That is just with you? A Its all the same to me.
Q You want to apply for anybody besides yourself? A Just myself.
Q You apply then as a Cherokee Freedman? A Yes sir.
Q You have stated your name is on the roll of 1880?
A As Maud Buffington.
Q Does your name appear upon any of the other Cherokee rolls since 1880? A Not that I know of.
Q Not on the Wallace roll or Kern-Clifton roll?
A Yes, on the Wallace roll.
Q And the Kern-Clifton roll? A No sir, that was in 1896 that roll was made.
Q And the payment was made in 1897. A No sir, I didn't go then.
Q Does your name appear upon the 1896 census roll?
A No, I have neverbeen over there.
Q What district did you live in in the Cherokee Nation about 1880?
A Goingsnake.
Q What was the name of your father? A Tom Buffington.
Q Was he a Cherokee by blood? A He was a Cherokee by blood.
Q Is he living? A Yes sir.
Q What was the name of your mother? A Jean Alberty.
Q What was she, a Cherokee Freedman? A Supposed to be.
Q Is she living? A Yes sir, she has already been before the -
Q Do you know if your name appears on the 1880 roll with any brothers and sisters, or did you have any at that time?
A I was the only one.
Q That appears with your parents? A The only one that I know of.

1880 authenticated roll of the Cherokee Nation examined, and applicant identified thereon as follows:

1880 roll, page 41[illegible], [illegible], Maud Buffington, age two years, Goingsnake District, as a Cherokee Freedman.
Note: Living in Creek Nation.

Q You are married now, what is your husband's name?
A Will Garrett.
Q Have you any children by him? A Three.
Q What are their names?and ages?
A Ethel, aged 7; Arlene, 4.
Q The baby is not named? A No sir, it is six months old, not named.
Q Have you made application for the enrollment of these children as Creeks? A They are already enrolled as Creeks.
Q They are enrolled as citizens of the Creek Nation, with their father? A Yes sir.
Q He is a Creek citizen, is he? A Yes sir.
Q Where were you born? A Goingsnake District.
Q Have you always lived in the Cherokee and Creek Nations?
A Always lived in the Cherokee Nation up until 1891. Made my home in Muskogee ever since then.
Q Did you ever apply to be enrolled as a citizen of the Creek Nation
A No sir.
Q You never drew any money as a Creek citizen? A Never have.
Q Your name does not appear upon any of the Creek rolls? A No sir
Q Who were you living with about 1880? A With my mother.
Q You seem to be on the roll here by yourself?
A I was living with my mother at that time, and the man that made the roll told her that he was putting her on as a Freedman, and me as a Cherokee by blood. The man that made the roll was my first cousin. His name is Tom Alberty. He is a first cousin to my father, and my cousin to me. He put myself as a Cherokee by blood, and her as a Freedman, so that's why I am on there by myself. That is his statement. Of course I was too small to know anything about it. I was only two years old.
Q Do you know by what name your mother was known in 1880?
A Jean Alberty. She has always gone by that name.
Q Has she applied for the enrollment of herself as a Cherokee Freedman? A She has, she was enrolled at Fort Gibson when they were over there in 1902, last year, I believe.
Q Where does your mother live now? A In the Creek Nation.
Q Is this her postoffice, Muskogee? A Yes sir.
Q Do you remember the name of her father? A Zeb Beck.
Q And her mother's name? A Nicie Alberty.
Q How old is your mother now? A I guess she is about 46, somewhere along there.

Commission: Applicant's mother, Jean Alberty, has been listed for enrollment upon Cherokee Freedman Card No. D-1034.

Q You have never lived out of the Indian Territory at all?
A Never have, only six months when I went to school in Kansas.
Q When was that? A In 1890. I was there six months at school.

This testimony will be filed with and made a part of the record in Cherokee Freedmen D-1170.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of August, 1903.

Notary Public.

2.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
FILED
AUG 4 1906

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

[redacted] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [redacted] Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarenore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[redacted]
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jane Alberty et al., as Cherokee Freedmen, consolidating the applications of:

Jane Alberty	Cherokee Freedmen D 1034
Maud Garrett	Cherokee Freedmen D 1170
Jennie Ballard et al	Cherokee Freedmen D 669
Lena Hanks	Cherokee Freedmen D 1046

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen, were made to this Commission by, Jane Alberty for herself; by Emmet Starr for Maud Buffington, now Maud Garrett; by Jennie Ballard for herself and her minor children, Malcolm, Jeff, Spivey and Anna Ballard; by Lena Hanks for herself.

The evidence shows that Jane Alberty and Maud Garrett are Cherokee freedmen, and are identified on the Cherokee authenticated roll of 1880; that Jennie Ballard was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but was brought back to said nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs Cherokee Nation et al., for the return of Freedmen to the Cherokee Nation; that Malcolm, Jeff, Spivey and Anna Ballard and Lena Hanks are her children, born after 1866.

The evidence further shows that Jane Alberty has lived in the Cherokee Nation and Indian Territory continuously since her enrollment in 1880; that Maud Garrett, since her enrollment in 1880, has lived in the Cherokee Nation and Indian Territory continuously, with the exception of six months in 1890, when she was attending school in Kansas; that Jennie Ballard, since her return to the Cherokee Nation as hereinbefore shown, has been absent from the Cherokee Nation and Indian Territory, but that such absences were not of a permanent nature and she did not become a citizen of any other

government through or during said absences. Her minor children, deriving their rights through their said mother, their residence in the Cherokee Nation and Indian Territory is considered as being established thereby that Lena Hanks, the adult daughter of Jennie Ballard, was born in the Cherokee Nation, and her only residence aside and apart from said Nation and Indian Territory, was during her mother's guardianship when she lived with her said mother, who was a temporary resident of the State of Arkansas, and her mother's residence, as hereinbefore shown, extends to her daughter, Lena Hanks.

It is further shown that said Lena Hanks was born in 1881 and was married in 1897, since which latter time she has been a continuous resident of the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that Jane Liberty, Maud Garrett, Jennie Ballard, Malcolm Ballard, Jeff Ballard, Spivey Ballard, Anna Ballard and Lena Hanks should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.

CHAIRMAN.

SIGNED. T. B. Needles.

COMMISSIONER.

SIGNED. C. E. Breckinridge.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 2 1904

Cherokee Freedmen
D-1024 et al.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Jane Alberty et al., granting the applications for the enrollment of Jane Alberty, Maud Garrett, Jennie, Malcolm, Jeff, Spivey and Anna Ballard and Lena Hanks as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-24.

Chairman.

Cherokee Freedmen
D-1170.

Muskogee, Indian Territory, May 19, 1904.

Maud Garrett,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Register

Commissioner in Charge.

Enc. D-61.

H&H

7/3/6

REFER IN REPLY TO THE FOLLOWING
NF 138.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1,1906.

Chief Clerk,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Dear Sir:

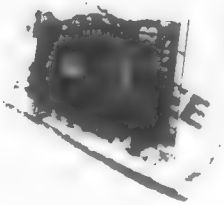
You are hereby advised that the name of Quentin Garrett, son of William C. Garrett, a Creek Freedman, and Maud Garrett, an alleged citizen of the Cherokee Nation, is contained in a partial schedule of new born freedmen (March 3, 1905) of the Creek Nation, approved by the Secretary of the Interior November 24, 1905, opposite roll number 219.

Respectfully,

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





MUSKOGEE IND TER
MAY 1

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

[illegible]
[illegible] Garrett,
Muskogee, Indian Territory.

REGISTERED
JUN [illegible]
MUSKOGEE, IND. TER.

Cover Fr 1344

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Jane Alberty for enrollment as a Cherokee Freedman.

Jane Alberty, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jane Alberty.
Q What is your age? A 46 years.
Q What is your postoffice address? A Muskogee.
Q What district do you live in? A Going Snake when I live in the Cherokee Nation.
Q Well, when you live in the Cherokee Nation; you must live somewhere now? A I live in Muskogee now.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Nobody but myself.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir, and dressed with them.
Q Is your name on any of the rolls of the Cherokee Nation? A On the 1880 roll and on the Wallace roll.
Q Are you married? A No, sir, not now.
Q Have you ever been married? A Yes, sir.
Q What was your name before you were married? A Alberty.
Q Your name always been Alberty? A Yes, sir, gone back to Alberty again.
Q What was your father's name? A Beck.
Q What was your mother's name? A Nicey Alberty.
Q What Beck? A Uncle Jeff Beck's son.
Q Was he a citizen? A Yes, sir, he was an indian.
Q Was your mother a slave? A Yes, sir, she was a citizen, an old settler. Jennie Ballard claims my enrollment; my name and my brother's name and my brother's name and my daughter's name is together on the same roll, it reads for [illegible] and Jane and Jeff, and the Cherokees calls them by Surnames on the roll, and that is the same Jennie is trying to claim and it is 46 years old I am, it is on the roll that way, enrolled in Going Snake district, it is the only family there way there. She never was enrolled in 1880, she wasn't here in 1880, she never got back here in time only to get on the Wallace roll; she wasn't here in 1880.

Mr. Hastings: How old did you say you were? A I say it is on the roll 46 years of age.
Q I say how old are you? A I guess if they say my age I am 46.
Q That is what I am trying to find out: do you know how old you are? A Yes, I guess 46, said to be anyway, that is what I have always been told that.

Commissioner: There appears to be a name on the roll of 1880, of Jane Alberty, who applied to be enrolled as Jane or Jennie Ballard, she averring that she was married to one John Ballard: do you know this person? A She is a niece of mine.
Q How old is she? A I don't know, I don't know what her age is.
Q Your mother's name you say was Nicey: is Nicey living? A No, sir.
Q Have you any children? A One.
Q What is the child's name? A Maude.
Q You apply to have her enrolled? A No, sir, she is going to attend to her own business: she is married and with a family: she will have to enroll for herself: she will soon be 25 years of age.
Q Do you know one Jeff Alberty? A Yes, sir.
Q What relation is he to you? A He is a nephew of mine.
Q Who was the mother of Jennie Ballard? A Martha Alberty, my sister, the eldest one.
Q Is Martha Alberty living? A No, sir, she is dead.

Q Was her name on the roll of 1880, as you know? A No, sir, I guess not, I don't think she was enrolled, she died time of the war.

Mr. Hastings: By what name did Jane Ballard go before she was married? A Jennie Alberty I guess; her father was a Harrold.

Q Well, did she live with you? A No, sir, she didn't live with me.

Q Where did she live? A She stayed with my mother, her grandmother until she got big enough to work for herself, and then she hired out until she was married.

Q What was her grandmothers name? A Nicey Alberty.

Q That was your mother? A Yes, sir.

Q Did you live with your mother? A After I was big enough to work and attend to business for myself I didn't live with her.

Commissioner: Jeff Alberty isn't your brother? A He is her brother, a nephew of mine.

Mr. Hastings: Did this Jennie ever come back with you?

A No, sir, She didn't come back with me.

Q After the war? A No, sir, I didn't come with my mother, I came with Mrs. Bettie Eaton.

Q You never lived with your mother after the war? A I lived with her a year or two years after the war; I always stayed at Mrs. Eaton's most of the time.

Q Were you living with your mother in 1880; you would be 26 or 7 years of age? A In 1880 I wasn't living with her.

Q You were? A Yes, I guess I was, I would go away and stay a while and come home and stay a while, I would stay with Mrs. Eaton and go home and I stayed with Mrs. Harrold a while, I didn't stay at home all the time because my mother had two or three children of her own and had two grandchildren, and she put me out when I was small because she couldn't take care of all of them.

Commissioner: You knew who enrolled you in 1880? A I think Tuck Alberty and George Reese, if I am not mistaken, I don't know who had my enrolled, I think the old folks had me enrolled.

Q What old folks; was your mother enrolled in 1880? A Yes, sir, she was living; I don't know whether it was her or Mrs. Eaton had us enrolled.

Q You never went by any other name but Alberty until you married?

A No, sir.

Q Never went by the name of Eaton? A No, sir, I didn't go by the name of Eaton.

Q Do you know Jane Eaton? A I think that is Bob Eaton, she lives at Vian now.

Q Have you any witnesses know anything about you? A From my birth on up to now?

Q Who know whether you are the Jane Alberty that is on the roll of 1880? A I guess Mr. J. W. Alberty will know.

J. W. ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is J. W. Alberty? A Yes, sir.

Q What is your age? A I am 67 years old.

Q You are a Cherokee by blood? A Yes, sir.

Q What is your postoffice? A Westville.

Q Please relate now to the Commission what you may know as to Jane Alberty, the applicant there, and Jennie Alberty. A I will make a statement of the facts: in the spring of '65 my father came back here and made a crop and he brought her mother.

Q Whose mother? A Her mother.

Q The applicant's mother? A Yes: and them two children, that Jennie Ballard and Jeff, her grandchildren, he brought them back in the spring of '65, and she stayed back with my mother until

we came here in November, '88.

Q The applicant here? A Yes, she came here when we did in November, 88.

Q She has been living here since that time? A Well, she has been here I reckon about Gibson, she lived up there until after '90 neighbor to us?

Q Do you know Jennie, or Jane Ballard? A Well, she is the one I was telling you he went after in the spring of '88, but after she stayed here a few days why she went to Harrolds and stayed and has been out ever since.

Q Where is Harrolds? A He lived in the state.

Q What state? A State of Arkansas.

Q That is Jennie Ballard? A That is Jennie Ballard, went to Harrolds and stayed there until she married.

Q And has been living there ever since? A Yes, sir.

Q That is in the State of Arkansas? A Yes, sir, and this one lived right there up until about '93 or '94, her mother died there I reckon must have been in '94, and then she came back down here.

Q Well, there appears to be on the 1880 roll one Jane Alberty.

A Well this is the person.

Q The applicant is that person? A Yes, sir.

Q What makes you think that this woman, the applicant, is the Jane Alberty on the roll of 1880, instead of the Jane Alberty who is now married to one Ballard? A Well, this one lived right there by me, in about a quarter of a mile of me when the census was of 1880 was taken, and the other one lived at George Gibson's in the state.

Q In the state of Arkansas? A Yes, sir, I know them both well because my mother raised them.

Q Well, did you know Nicey Alberty? A Yes, sir.

Q Who was she? A She was the mother of this one, and the grandmother of Jennie Ballard.

Q Do you know Jeff Alberty? A Yes, sir.

Q Who was he? A He was a brother of this Jennie Ballard, and their mother died on Red River, they were just children when we brought them back in '88. Jeff is dead, and he was born about the time of the war, he was called after the great man, Jeff Davis.

The 1880 authenticated roll of Cherokee Freedmen examined, and opposite name of Nicey, Jane and Jeff Alberty on said roll appears following note: 'Adopted by treaty of 1866. Afterwards removed out and is back in the Nation and claims that she lived here first when she went out of the Nation;' Going Snake district, page 403.

A There are two more of the same family down here somewhere, there is Bell West, and then he has got a sister that was married to Tom Waite, they were all brought back at the same time, we brought them back.

Q That a sister of this applicant? A Yes, sir, a sister and a brother, they call themselves though West; Millie is married a darkey by the name of Tom Waite, and they have been writing to me.

Q This applicant was never known by any other name than Alberty?

A No, sir.

Q She never was known by the name of West? A No, sir; those taken their name from their father.

Q Well, your opinion then is that the Jennie Ballard who claims to be on the roll as Jane Alberty couldn't have been correct, she wasn't entitled, in your opinion, to be enrolled in 1880? A No, she was living out of the state, there was another that married in the state and she don't appear on any roll, she never made any application at all, of the same family; two went out in the state.

Mr. [illegible] And knew this woman lived in the Cherokee Nation [illegible] her return up until 1880? A Well, I guess so, I have never seen her since she left there until this time.

Q I mean up to 1880? A Oh yes, she lived there, they had a

little bites and she walked backwards and forwards like people did for something to eat; she walked over in the state a month or so and back again. Her mother lived right there and she lived with her and whatever they had to work for something to eat.

Q How about Jennie Ballard? A She never stayed on this side at all.

Q How long after she returned after the war until she went over in the state: Jennie Ballard? A Well, it was only about two or three weeks after we returned here; now she returned in the spring.

Q I mean after the fall? A Yes, after the fall.

Q Well, in the fall of '66 she went over in Arkansas? A Yes, sir.

Q And she has lived there ever since? A Ever since, yes, sir.

Q She married over there? A Yes, she married this John Ballard over there and has been living there, first one place and another.

Q Well, you have known her ever since? A Known her, oh yes I have known her ever since.

Q How far do you live from Cincinnati? A About four miles.

Q You live on this side? A Yes; what bothers us, we always called her Jean, and it is down there different.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Jane Alberty found thereon, page 408, No. 58, Going Snake district.

The 1896 census roll of Cherokee Freedmen examined and the name of Jane Alberty not found thereon.

JANE ALBERTY, recalled, testified as follows:

Mr. Hastings: Did you enroll five years ago? A I was enrolled here five years ago.

Commissioner: Did you draw your strip money? A I guess I did, I was enrolled.

Q Did you draw your strip money? A No, sir.

Q Why? A This woman came between us and claimed getting money and they said they wouldn't pay it to either one; they investigated and said they wouldn't pay it to either one until it was settled, and that gentleman said I would have to find someone who knew me from my birth, and I was going to write him back, and they said it was no use, they wouldn't pay it out to either one; they said I would have to write to the Secretary of the Interior.

Q What did the Secretary of the Interior write to you? A He wrote me to present it to the Dawes commissioners and when I presented him returns I would present the letter.

Q Wanted you to appear before the Dawes commission? A Yes, sir, and I never did it.

Q Have you any other witnesses besides Mr. Alberty here? A No, sir.

Mr. Hastings: When Lizzie married in 1896? A Lizzie was married in 1896.

Commissioner: Did she get any strip money? A She has got two children.

Q Did she get her strip money? A No, sir, she didn't get any strip money.

Q Did she ever apply here to be enrolled here? A No, sir, she said she was going to apply to the council to withdraw from the Cherokee Nation. She hasn't been before them and said she wasn't coming.

The Kern-Clifton roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw what is known as the Vallace money? A Yes, sir.

Q Is your name on the Vallace roll? A Yes, sir, I draw the Vallace money.

The Vallace roll examined and the applicant identified thereon.

Q Lost 160, No. 640, Going Snake district.

Q You are living now in Muskogee in the Creek Nation? A Yes, sir.

Q How long have you lived there? A 14 years, that is the longest I have lived out of the Cherokee Nation since I came back.

Q Are you married? A No, sir.

Q Have you any property in the Cherokee Nation? A No, sir, I haven't made this time, that is improved.

Q Why do you live in Muskogee instead of the Cherokee Nation?, A I had to make a living, and I thought I had just as well work there: I work for Mr. Blackstone in Muskogee.

Commissioner: Jane Alberty applies for the enrollment of herself. She avers that her name appears upon the authenticated roll of 1880, and on said roll is found the name of Jane Alberty according to page and number of the roll as indicated in the testimony. Her name is also found and she is fully indicated upon the Wallace roll, according to page and number of the roll as indicated in the testimony. She avers that she was a slave, and returned to the Cherokee Nation in the year 1866, and has lived in the Cherokee Nation until about ten years ago, and that she now resides in Muskogee in the Creek Nation. Upon an examination of the records of the Commission, it is found that one Jennie Ballard applied to be enrolled as a Cherokee Freedman, and claimed that her name before her marriage was Jennie Alberty, and that she was the identical Jane Alberty found upon the said roll under the same name and number onthe roll as the applicant. There appears to be a question of identity as to whether the applicant, Jane Alberty, or Jennie Ballard, nee Alberty, is the person whose name appears upon the authenticated roll of 1880. From the testimony it would appear that the applicant is the identical person, and if so, the only question as to her enrollment would be the matter of residence. The evidence presented to-day would indicate that the Jennie Ballard, nee Alberty, who applied for enrollment and has been listed on D card 659, is a non resident, and has no rights to citizenship for herself or her four children. The testimony taken in the matter of the present application will be made part of the record in the case of the applicant, Jennie ~~Bk~~ Ballard, and her four children, on D card 659, and will be filed therewith. The testimony taken in the matter of the application of Jennie Ballard on D card 659 will be made part of the record in the case at bar, and a copy thereof filed herewith. The said Jane Alberty will be listed for enrollment as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. It appears that the only fact to be determined by the Commission is as to the identity of the applicant, which now appears to be fully established.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this September 6, 1901.

[illegible]

[illegible]
Commissioner.

B 701034

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 4 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

SEP 4 - 1901

Date.....

Post Office Muskogee, I.T.

District Creek Nation

1. Name..... Age.....

Owner's name..... Citizenship.....

Year..... Page..... No..... District.....

Parents:

Father..... Citizenship.....

Mother..... Citizenship.....

Doubtful

II. Name of wife..... Age.....

Owner's name..... Citizenship.....

Year 1898 Page 413 No. 93 District Creek Nation

Parents:

Father..... Citizenship.....

Mother..... Citizenship.....

Names of Children:

3. ..... Year..... Page..... No..... Dist.....

4. ..... Year..... Page..... No..... Dist.....

5. ..... Year..... Page..... No..... Dist.....

6. ..... Year..... Page..... No..... Dist.....

7. ..... Year..... Page..... No..... Dist.....

8. ..... Year..... Page..... No..... Dist.....

9. ..... Year..... Page..... No..... Dist.....

10. ..... Year..... Page..... No..... Dist.....

11. ..... Year..... Page..... No..... Dist.....

12. ..... Year..... Page..... No..... Dist.....

Application made by ..... Stenographer.....

Certificate No. 37 in book 83

Jo1034

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1901

CHAIRMAN.

Supl.-C.F.-D.#1034.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jane Alberty as a Cherokee freedman:

APPEARANCES:

Applicant present by Louis T. Brown, Agent;
W. W. Hastings, Attorney for Cherokee Nation.

J. W. ALBERTY, recalled for additional cross-examination, being duly sworn by Commissioner Needles, testified as follows:

BY MR. BROWN: State your name, Mr. Alberty? A J. W. Alberty.
Q Your age? A 67 years old.
Q What is your residence? A Goingsnake district, Westville, IT. post office.
Q You are the same J. W. Alberty that testify in the Jane Alberty case the other day? A Yes, sir.
Q Mr. Alberty, in your testimony you testified that Jennie Ballard came back to the Cherokee Nation in the year 1866 and left here a few weeks afterwards and has never lived in the Cherokee Nation since? A No, she never has been a citizen of the Cherokee Nation since.
Q Well, now, has she ever lived in the Cherokee Nation since? A Well, no, not of my recollection.
Q When did you see her after she left Goingsnake district in 1866 the next time? A I saw her frequently, she just lived over across the line at Heralds and Gibson's.
Q How long did she continue to live up in that neighborhood after 1866? A She lived up there until she married.
Q About how long is that? A I could not exactly state; she lived there ever since only for a short time she went to Okmulgee and stayed out there a while and she is still living there the last time I knew of her, she lived there.
Q How long has it been since you knew of her last?
A I haven't seen her for 12 months or over.
Q Then she has continued to live in the neighborhood of George Gibson and Heralds from 1866? A No, sir, she went to Cincinnatti and lived there a short space of while and went to Okmulgee.
Q Then you knew of her whereabouts from 1866 until about 12 months ago? A Well, yes.
Q And you are positive of your statement she has not lived in the Cherokee Nation since that time? A Yes, sir.
Q You are just as positive about that as other matter you have testified to? A Yes, sir.
Q Did Jane Alberty ever have a brother by the name of [redacted] Jeff?
A Yes, sir.
Q Jennie Ballard have a brother? A She was Jane Alberty, the other one was Gene Alberty; she was Jane Alberty and the other one was Gene, we called her Gene; she had no brother except that fellow that was in here they other day, Bill.
Q Then she didn't have a brother by the name of Jeff?
A No, sir.
Q Was Jane, or Gene Alberty, ever married?
A No, sir.
Q Never was? A No.
Q Now, then, did Jane Alberty, or Gene Alberty, as you call her continue to live with a grandmother, Nicey Alberty? A No, didn't give it that way, she lived with her mother; Nicey Alberty was her mother.
Q They were living in the Cherokee Nation all the time?
A Well, no, they didn't live all the time; they had a little house,

residence close to mine; they worked out some, sometimes in the State and sometimes in the Nation, the bigger part of the time in the Nation; they kept a little house there.
Q Now, then when Jennie Ballard was working for George Gibson where was Nicey Alberty? A She lived in a little house right there by me.
Q Mr. Alberty, do you remember the circumstance of the making of a roll of freedmen by Mr. J. W. Wallace? A Yes, sir.
Q I will ask you to state if you were not a witness at that time for Jennie Ballard? A I was not.
Q And if you didn't testify in that matter of her application before Mr. Wallace that Jennie Ballard was living within a mile or mile and a half of your residence in Goingsnake district?
A No, sir, I didn't; it was x in a mile or mile and a half of my residence but she was in the state.
Q Don't you know as a matter of fact that Jennie Ballard lived with her grandmother, Nicey Alberty, up to within a year or two before she was married? A No, sir.
Q They built a little house up there somewheres? A Yes, sir.
Q In what year was that? A I could not exactly tell, it was along about '67 or '70; it might have been up as near as '71 or 2 though; they asked my permission to built up there and I granted it.
Q Where was Jennie Ballard then? A She was at Mr. Gibson's.
Q Didn't she help built that house A No, sir.
Q She didn't A No, sir.
Q About what time did Jane Alberty leave Goingsnake district?
Q Jane Alberty or Gene?
Q Yes, sir? A She must have left there in about '85 or 6.
Q From the time she left there in '85 did you see her a ny more until this other day? A I saw her once after that at Tahlequah.
Q You don't know where she has lived from '85 up to the present date? A No, sir; her statement will show that.
Q Did the Jane Alberty for whom you testified the other day ever go by that name until she came here to be enrolled?
A Well, she always went by Gene, we called her Gene, and she went by that ever since she was a child.
Q What name did Jennie Ballard ever go by? A Jennie.
Q Was she ever called Jane: A No, sir.
Q You are positive of that? A Yes, sir.
Q So you now state that you didn't testify for Jennie Ballard before Mr. Wallace A No, sir, I did not.
Mr. Alberty, didn't the grandmother of Jennie Ballard here, who was named Nicey Alberty, have a little house close to Mr. Gibson's?
A She stayed in a 19ttle house there close to Mr. Gibson's a while.
Q About how long? A I could not tell how long;she stayed there but all the while she had that little house by me.
Q Where was Jane Alberty then? A She was part of the time with my sister, Mrs. Eaton/
Q In the Cherokee Nation? A Yes, sir.
Q Where was she the other time: A She worked part of the time in the Nation and part of the time in Arkansas.
Q But she worked more of the time in Arkansas than she did in the Nation? A No, sir, I don't know.
Q Now, where is this George Gibson's house with reference to the line?

Mr. Hastings: About how far xxxx east of the line? A About 50 steps.

Mr. Brown: Isn't it a fact that the line runs across the porch? A No, sir, it is just outside of the fence.
Q Then, you are satisfied that since the return of Jennie Ballard in 1866 up until 12 months ago, she has never lived in the Cherokee Nation? A She never made her home in the Cherokee Nation.
Q Well has she or has she not lived in the Cherokee Nation since?

A Well, not of my knowledge.
Q Wel , you stated personally the other day that she hadn't lived in the Nation? A Well, I don't know that she ever did; she never had a residence in the Cherokee Nation.
Q Well, do you know that she didn't? A Well, if she did I never knew it.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rosson

Subscribed and sworn to before me this September 16th, 1901.

M D Shelton
NP

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 4 1902

Filed
Dec 2 3 1902

[redacted]

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BENNETT, et al., for enrollment as citizens of the Cherokee Nation:

HENRY STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Henry Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Hand Buffington, page 418, # 935, Goingsnake District; Ad. colored;
Note: "Living in Creek Nation".

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

COMMISSION TO FIVE TRIBES
JUN 14 1906
FILED

[illegible] Dawson, a [illegible]
[illegible] Creek Freedman.
[illegible] in Creek Nation.

[illegible] Where were you born?, what is your [illegible]
A All my life.
Q Were you ever enrolled by Dawes?
Q What are their names and ages?
A [illegible] 9, Arlene, 4.
Q Are they married? A No sir, it is six [illegible], not married.
Q Was your name application to the enrollment o[illegible] children?
Q Creeks? A They are already enrolled as Creeks.
Q They are entitled as citizens of the Creek Nation, with their [illegible]? A Yes sir.
Q [illegible] a Creek citizen, is he? A Yes sir.
Q Where [illegible] come? A Okfuskee District.
Q Have you always lived in the Cherokee and Creek Nations?
A Always lived in the Cherokee Nation up until 1892. With my husband ever since then.
Q Did you ever apply to be enrolled as a citizen of the Creek Nation
A No sir.
Q You never drew any money as a Creek citizen? A Never have.
Your name does not appear on any of the Creek rolls? A No sir
Who were you living with about 1902? A With my mother.
Q You seem to be on the roll as [illegible]?
A I was living with my mother at that time, and the man that made the roll told her that he was putting her on as a Freedman, and me as a Cherokee by blood. The man that made the roll was my first cousin. His name is Tom Alberty. He is a first cousin to my father, and no cousin to me. He put myself as a Cherokee by blood, and her as a Freedman, so that's why I am on there by myself. That is his statement. Of course I was too small to know anything about it. I was only two years old.
Q Do you know by what name your mother was known in 1896?
A Jean Alberty. She has always gone by that name.
Q Was she applied for the enrollment of herself as a Cherokee Freedman? A She was, she was enrolled at Fort Gibson when they were over there in 1902, last year, I believe.
Q Where does your mother live now? A In the Creek Nation.
Q Is this her postoffice, Muskogee? A Yes sir.
Q Do you remember the name of her father? A Zeb Beck.
Q And her mother's name? A Nicie Alberty.
Q How old is your mother now? A I guess she is about 46, somewhere along there.

Commission: Applicant's mother, Joan Alberty, has been listed for enrollment upon Cherokee Freedman Card No. D-1034.

Q You have never lived out of the Indian Territory at all?
A Never have, only six months when I went to school in Kansas.
Q When was that? A In 1890. I was there six months at school.

This testimony will be filed with and made a part of the record in Cherokee Freedman D-1170.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of August, 1906.

[illegible]
Notary Public.

Sup'l. Cher. Fr. D-1170.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 13, 1903.

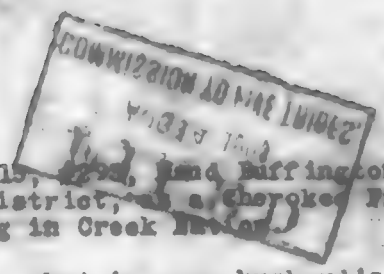
SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of MAUD GARRETT as a Cherokee Freedman

Appearances:
N. A. Gibson, Attorney for Applicant.

MAUD GARRETT, being first duly sworn, testified as follows:

BY COMMISSION: What is your name? A Maud Garrett.
Q How old are you? A Twenty-five.
Q What is your post office address? A Muskogee.
Q What district do you live in? You live in the Creek Nation?
A Yes sir, in the Creek Nation.
Q You want to be enrolled as a Cherokee Freedman, do you?
A I enrolled on the 1880 roll as a Cherokee by blood. Never been on any other roll, and I never have drawn any other payment except the 1880 payment.
Q The Cherokee roll for 1880 shows you are on there as a Cherokee Freedman. A In 1880?
Q Yes. A They all said I was a Cherokee by blood. I drew with the Indians.
Q You have drawn money in the Cherokee Nation as a Cherokee by blood
A At the 1880 payment I did. Never drew the Strip money.
Q You want to apply then, as a Cherokee by blood?
A It doesn't matter.
Q That is just with you? A Its all the same to me.
Q You want to apply for anybody besides yourself? A Just myself.
Q You apply then as a Cherokee Freedman? A Yes sir.
Q You have stated your name is on the roll of 1880?
A As Maud Buffington.
Q Does your name appear upon any of the other Cherokee rolls since 1880? A Not that I know of.
Q Not on the Wallace roll or Kern-Clifton roll?
A Yes, on the Wallace roll.
Q And the Kern-Clifton roll? A No sir, that was in 1896 that roll was made.
Q And the payment was made in 1897. A No sir, I didn't go then.
Q Does your name appear upon the 1896 census roll?
A No, I have neverbeen over there.
Q What district did you live in in the Cherokee Nation about 1880?
A Goingsnake.
Q What was the name of your father? A Tom Buffington.
Q Was he a Cherokee by blood? A He was a Cherokee by blood.
Q Is he living? A Yes sir.
Q What was the name of your mother? A Jean Alberty.
Q What was she, a Cherokee Freedman? A Supposed to be.
Q Is she living? A Yes sir, she has already been before the -
Q Do you know if your name appears on the 1880 roll with any brothers and sisters, or did you have any at that time?
A I was the only one.
Q That appears with your parents? A The only one that I know of.

1880 authenticated roll of the Cherokee Nation examined, and applicant identified thereon as follows:



1880 roll, page 415, [illegible], Sand Buffington, age two years, Goingsnake District, [illegible] a Cherokee Freedman.
Note: Living in Creek Nation.

Q You are married now, what is your husband's name?
A Will Garrett.
Q Have you any children by him? A Three.
Q What are their names?and ages?
A Ethel, aged 7; Arlene, 4.
Q The baby is not named? A No sir, it is six months old, not named.
Q Have you made application for the enrollment of those children as Creeks? A They are already enrolled as Creeks.
Q They are enrolled as citizens of the Creek Nation, with their father? A Yes sir.
Q He is a Creek citizen, is he? A Yes sir.
Q Where were you born? A Goingsnake District.
Q Have you always lived in the Cherokee and Creek Nations?
A Always lived in the Cherokee Nation up until 1891. Made my home in Muskogee ever since then.
Q Did you ever apply to be enrolled as a citizen of the Creek Nation
A No sir.
Q You never draw any money as a Creek citizen? A Never have.
Q Your name does not appear upon any of the Creek rolls? A No sir
Q Who were you living with about 1880? A With my mother.
Q You seem to be on the roll here by yourself?
A I was living with my mother at that time, and the man that made the roll told her that he was putting her on as a Freedman, and me as a Cherokee by blood. The man that made the roll was my first cousin. His name is Tom Alberty. He is a first cousin to my father, second cousin to me. He put myself as a Cherokee by blood, and her as a Freedman, so that's why I am on there by myself. That is his statement. Of course I was too small to know anything about it. I was only two years old.
Q Do you know by what name your mother was known in 1880?
A Jean Alberty. She has always gone by that name.
Q Has she applied for the enrollment of herself as a Cherokee Freedman? A She has, she was enrolled at Fort Gibson when they were over there in 1902, last year, I believe.
Q Where does your mother live now? A In the Creek Nation.
Q Is this her postoffice, Muskogee? A Yes sir.
Q Do you remember the name of her father? A Zeb Beck.
Q And her mother's name? A Nicie Alberty.
Q How old is your mother now? A I guess she is about 46, somewhere along there.

Commission: Applicant's mother, Jean Alberty, has been listed for enrollment upon Cherokee Freedman Card No. D-1034.

Q You have never lived out of the Indian Territory at all?
A Never have, only six months when I went to school in Kansas.
Q When was that? A In 1890. I was there six months at school.

This testimony will be filed with and made a part of the record in Cherokee Freedmen D-1170.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 14th day of August, 1903.

Charles McCarger

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10, 1901.

In the matter of the application of Jennie Ballard for the enrollment of herself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your name? A Jennie Ballard.
Q How old are you? A I am going on 42.
Q What is your postoffice? A Tahlequah.
Q In what district do you live? A I live in Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q Have you any children you want to apply for? A Yes, sir, I have four.
Q Are these all under 21 years of age? A These four are, yes sir.
Q Are they all unmarried? A Yes, sir.
Q Are they all living with you now? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation and lived in and out all my life.
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.
Q To whom did you belong? A Alberty's.
Q What Albertys? A Old Johnny Alberty.
Q Give me the name of your father? A I don't know my father.
Q Give me the name of your mother? A My mother was Martha Alberty.
Q Is your mother alive? A No sir, she died when I was a small child.
Q She died during the war? A Yes, sir.
Q Where did she die? A I don't hardly know. She didn't die in the Cherokee Nation; her master taken her off south; she died down south somewhere.
Q Down in Texas? A Yes sir, in the Choctaw Nation, I believe I have heard grandmother say.
Q Was she a slave of old John Alberty? A Yes sir.
Q Was he a recognized and well known citizen of the Cherokee Nation?
A Yes, sir.
Q Where were you during the war? A I was with my mother until her death, and she was with her boss in Texas or down south somewhere; my grandmother always said it was down south, I don't remember much about it.
Q You were too little? A Yes, sir, small child.
Q Are you on the roll of 1880? A Yes sir, with my grandmother.
Q What is the name of your grandmother? A Nicey Alberty.
Q Is she dead? A Yes, sir, she is dead.
Q How long had she been dead? A Oh I don't just remember; she has been dead a good while.
Q Fifteen years? A Yes sir, near about that, I don't remember just exactly when she died.
Q Who brought you up after your mother's death, who had charge of you in your childhood? A Mr. Jack Alberty.
Q I mean after the war? A Well her boss that taken her off brought her back and she brought me back with her; my mother died in Texas and I fell to my grandmother; she came back with her boss and they brought me back too.
Q Wasn't John Alberty her master? A Yes sir.
Q And you came back after the war with them? A Yes sir.
Q How many times have you been married? A Only once.
Q To whom were you married? A John Ballard.
Q What is he, Cherokee Freedman or a state man? A He was a state man.
Q Is he dead or alive? A He is living.
Q Are you living with him? A No sir.

Q When did you marry him? A Near 21 years since we were married.
Q Where did you marry him? A In Goingsnake District.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you and he live together? A About 14 years.
Q You say you have lived in the Cherokee Nation, in and out?
A Yes sir, all my life, about two miles and a half from the line; five miles is the furtherest I have ever been from the line since I was born, to live; only I was in the Nation, I have lived in the State, worked over there.
Q In what state? A There I mean over in the state; I lived in Washington, worked there a great deal.
Q What Washington? A Washington County, Cincinnati.
Q Arkansas? A Yes, sir.
Q Where are you living at this time? A In Tahlequah.
Q How long have you been living there? A About nine months now since I came back this last time.
Q Where did you come from to Tahlequah nine months ago? A Cincinnati, Arkansas.
Q When had you been to Tahlequah before that to live, or any other place in the Nation? How long had you been living over there just across the Arkansas line? A Little over two years; I went back to Cincinnati after the payment.
Q How long after the payment did you go back to Cincinnati? A I don't just remember.
Q Was it two or three months? A Oh no sir, longer than that, nine or ten months.
Q Did you live there until you came to Tahlequah at this time?
A Yes, sir.
Q How long before the payment was it that you came to the Cherokee Nation? A I don't remember just how long it was.
Q Was it two or three months? A It was a year or such a matter.
Q Before the payment? A Yes sir.
Q Where did you come from? A Came from Cincinnati.
Q How long had you been living there at Cincinnati? A About eight or nine years, between times. I were out on a ranch in the Creek Nation, worked during the time.
Q How long had you been at Cincinnati before you came back here some thing like a year before the payment? A Oh I expect about eight or nine years; about eight years I guess, somewhere along there.
Q Beofre you went to Cincinnati at that time, which was about ten years before the payment, nine or ten years before the strip payment, where had you lived? A In Goingsnake, right across the line, right where I was born and raised.
Q Was that the first time you had ever been to Cincinnati? A That was the first time I had been to Cincinnati, but I had always mostly worked across the line since I was a small child; just worked by the week, my grandmother wasn't able to take care of me.
Q How far did your grandmother live from the Arkansas line? A The folks she lived with, the line passed, was right at the corner of the porch; most I ever lived was a mile one way and two miles the other, and then it was a mile to Westville, to the Depot, to Cincinnati.
Q You say your husband was a state man? A Yes, sir, he was born and raised in Arkansas; he didn't belong to the Territory, he was born and raised right there in about two miles of where I was born.
Q Did he farm over on the Arkansas side? A Yes sir, he belonged to Tom Ballard.
Q Before you married him had you lived outside of the Cherokee Nation? A No sir, I lived with my grandmother, only when I worked out, my home was out at Miss Buffington's in the Cherokee Nation, between Mr. Jack Alberty's and old Mrs. Buffingtons.
Q After you married your husband did you go over into Arkansas with him? A Yes sir, sometime afterwards, after my grandmother's death

we went out; he worked in the Territory first one place and another and I went over to Cincinnati and he went to Ft. Smith.

Q How long after you married was it before you and your husband went over to Arkansas to live? A Oh I don't remember.

Q How long did you and he live together over there? A About fourteen years we lived together after we was married, but we didn't live there all the time.

Q I am asking you how long you lived together over there?

A Couple of years.

Q And then you parted? A Yes sir.

Q And he went down to Ft. Smith? A No sir, we didn't been parted but - while he was working at Ft. Smith we wasn't parted, when he was working at Ft. Smith I was taking care of the children.

Q You are on the 1880 roll? A Yes sir.

Q Under what name? A Jane Alberty, with my brother, Jeff Alberty, and my grandmother, Nicey.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: page 402 #43 Jane Alberty, Goingsnake Dist, adopted colored;

Q Your brother and grandmother are both dead? A Yes sir.

The 1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Did you draw Strip money? A Yes sir.

Keen-Clifton payroll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Give me the names of these four children that you apply for?

A Malcolm Ballard.

Q How old is this child? A He is 20 years old.

Q How the next child? A Jeff Ballard.

Q How old is Jeff? A 18.

Q How the next child? A 17.

A Give me the name? A Spivey Ballard.

Q How old is Spivey? A 16.

Q How give me the next one to Spivey? A 15.

Q What is the name? A Anna Ballard.

Q Did you draw Strip money for these children? A No sir, I did at the Wallace payment, but I didn't get any money for them at this payment.

Q That at the Strip payment? A No sir.

Q Where was Malcolm born? A In Goingsnake District.

Q Where was Jeff born? A In Goingsnake.

Q Where was Spivey born? A He was born in Washington County, Arkansas.

Q Where was Anna born? A She was born in Washington County, Ark.

1896 census roll of citizens of the Cherokee Nation examined for these children and names not found thereon:

Keen-Clifton payroll of citizens of the Cherokee Nation examined for these children and names not found thereon:

Wallace roll of citizens of the Cherokee Nation examined and applicants identified as follows:

page 80 #810 Jennie Ballard, Goingsnake District;

page 80 #811 Malcolm Ballard, Goingsnake District.

Q Was this child Spivey ever in the Cherokee Nation to live until nine months ago? A Yes sir. I was just staying out over there at his birth.

Examined by Cherokee Representative, James Davenport:

Q You came to Tahlequah about how long ago? A This last time I came over about nine months ago.

Q Did you bring your family with you? A Yes sir.

Q What part of the town of Tahlequah are you living in now?

A I don't know whether you would call it east up -

Q Will you know who lives near by you don't you? A I live

along to old Mrs. Crowe and several Cherokee families, I live in Chief Bushyhead building.

Q When did you move in to Chief Bushyhead's building, about how long ago? A 23 of February.

Q You came directly from Cincinnati, Arkansas over to Tahlequah didn't you? A Yes sir.

Q Your family is now in Tahlequah? A Yes sir.

Q You have been living for some years in Cincinnati, Arkansas, before coming to Tahlequah this last time? A Yes sir.

Q Were you living in Cincinnati, Arkansas when the Wallace roll was made? A Yes sir, I hadn't been there but a short time.

Q No, but you had your family there, and come over when Wallace roll was made, you lived in Cincinnati, Arkansas when the Keys Clifton roll was made? A Yes sir.

Q And that was the reason was given you for not putting you on the roll, because you had abjured your citizenship? A They didn't tell me, they told me if I would pay them a big amount of money they would put me on the roll.

Q Mr. Korn and Mr. Clifton didn't tell you that? A No, but the others did: I always lived here and I thought this was my home, I never knew anybody else.

Q You know these people in Arkansas didn't you? A Yes sir, I ought to know them, I worked for them.

Q Who is there here knows you have been married and about you having lived with your grandmother? A Dan Alberty.

DANIEL ALBERTY, being sworn and examined by Com'r Breckinridge testified as follows:

Q Give me your name? A Daniel Alberty.

Q How old are you? A I am about 52 years old I guess.

Q What is your postoffice? A Tahlequah.

Q Do you live in Tahlequah District? A Yes sir.

Q How long have you lived in the Cherokee Nation? A Ever since I was born in there.

Q All your life? A Not altogether lived in the Cherokee Nation, in the Territory all my life.

Q How long have you been living continuously in the Cherokee Nation? A You may say lived in the Cherokee Nation about 12 or 15 years.

Q Are you on the roll of 1880? A No sir, I don't think I is.

Q Do you know this applicant here? A Yes sir.

Q How long have you known her? A I have been knowing her ever since she was born.

Q What was the name of her mother? A Martha Alberty.

Q Was she a slave in the Cherokee Nation when the war broke out? A Yes sir, she was a slave under old man John Alberty.

Q Martha Alberty had been dead a long time hasn't she? A She died the year of the surrender I think. We was all together: I think that's about the year she died.

Q When her mother died who took charge of this applicant and brought her up? A Her grandmother.

Q What was her name? A Mary Alberty.

Q Well, the applicant has been married has she? A Yes sir.

Q What is the name of the man she married? A John Ballard I think.

Q About how long ago was it she married John Ballard? A I really couldn't tell you how long it has been since she married John Ballard, simply because she married since she got grown, I suppose it has been about 15 or 16 years ago.

Q It has been a good long time ago? A Yes sir. I wasn't living near her when she got married, we were separated in '69 the spring of '70, the spring of '69 and her grandmother brought her back home and old man Alberty, that's my old boss' daddy, he fetched her and

her grandmother and all back to the old place and left me in the Choctaw Nation with my people, my owners.

Q Have you known much about this woman since she married, have you been seeing her much? A Well, for the last ten or fifteen years I reckon ten or twelve years I have seen her off and on.

Examined by Mr. Davenport:

Q You haven't been living very close to her since that time for any length of time, within the last ten or fifteen years? A No sir.

Q You have been living at Tahlequah and she has been living in Cincinnati, Arkansas? A No she has been at Tahlequah best part of her time, about twelve years I have seen her around Tahlequah, part of the time she was there and part of the time off.

Q How long at the time have you seen her living in the town of Tahlequah within the last ten or fifteen years, how long at any one time have you known her living in or near Tahlequah within the last fifteen years? A I suppose she stayed there at a time three or four years I guess.

Q You have seen her there as much as three or four years? A I think I have.

Q As a matter of fact you don't know anything about it? A I think I does.

Q Don't you know she has not been living in Tahlequah this last time but about three months, don't you know she lived over in Cincinnati over in Arkansas since Christmas? A No sir.

Q When did she move from over there?, A I don't know, but she has been staying here way before the payment, and from that she went back in there up about Coingmeke or Cincinnati one or the other and there's some of her boys up here more or less, I saw her around Tahlequah there.

Q Great deal more or less than it was more warn't it? A I don't know about that; but it was a common thing to see her.

Q You know she has not been living in Tahlequah any length of time? A No, I can't say that.

Q Do you live in Tahlequah? A Yes sir, right in the town.

Q Do you know Malsom Lowery? A Yes sir.

Q You know Frank Pack? A I do.

Q You know W. W. Hastings? A Yes sir.

Q How long have they been living in Tahlequah? A Frank and Mr. Hastings have been living there 10 or 12 years.

Q You know exactly where they have been living, what house they have been in living in? A Yes sir, living in their own houses.

Q Now what house has this woman been living in for the last three or four years? A She has been living in Thompson's house and a full blood's house, and Sawyer's house and I don't know how many house so she has been living in.

Q In the last three years? A Last ten years, I couldn't say positively she has been altogether staying all this long time.

Q Can you say positively she has lived there six months at any one time? A Yes sir.

Q Can you say she has lived there as much as a year since the Wallace roll was made, at one time? A Yes sir.

Q When did you first go to Tahlequah to live? A That was I reckon about 12 years ago.

Applicant, JESSIE BILLAM, re-called, and further examined, by Com'r Breckinridge:

Q Those house are you living in now at Tahlequah? A Chief Skimmer's, a full-blood's house.

Q You have been living in that house since last February?

A Yes sir.

Q What house did you live in before you lived in Chief Skimmer's house? A Jessie Small's, by the ice factory, down on the creek.

Q And you came to Tahlequah this last time since September?
A Yes, sir, the 23rd.
Q And you have been living there since last September? A Yes sir, this time.

Com'r Breckinridge: The applicant applies for the enrollment of herself and four children, minors; the applicant is identified on the roll of 1880 and on the Wallace roll, but not upon the Kern-Clifton roll or the roll of 1896; it appears that she was born in the Cherokee Nation, and was taken out of the Nation south during the war; and her mother died about the time of the conclusion of the war; that she and her mother were slaves in the Cherokee Nation or a Cherokee citizen at the time of the breaking out of the war, and that after the death of her mother she was brought up by her grandmother, now deceased; up to her enrollment in 1880 she seems to have lived continuously in the Cherokee Nation from the time of her return after the Civil War; since that time she has lived to a considerable extent in the State of Arkansas; she testifies that at the time the Wallace roll was made upon which she is found, she was living in the State of Arkansas, and that at the time the Kern-Clifton roll was made, she was living in the State of Arkansas, although in one part of her testimony she claims to have come to the Cherokee Nation prior to the making of the Kern-Clifton roll, and to have stayed some nine or ten months thereafter. Her change of name arising from marriage is established in a satisfactory manner; her husband, from whom she is now separated, is a state man, being of the State of Arkansas, and no application is made for him. The question in the applicant's case is as to whether she has abjured her citizenship since her enrollment in 1880. It will be observed that the testimony in regard to her residence given by the only witness called in her case, is directly contradicted in every essential particular by her own testimony, and it appears that her case should be considered upon the strenght of her own testimony, upon which the foregoing summary of points has been made. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address.

As for her four children, the eldest of the four, Malcolm Ballard, is identified on the Wallace roll, but not upon the Kern-Clifton roll or upon the roll of 1896; this child is living with his mother at this time, and will now be listed for enrollment as a Cherokee Freedman on a doubtful card. The remaining three children named in the testimony are minors and are living at this time; they are not identified upon any roll; the applicant is desired to supply the Commission with a certificate of their birth, when they will be listed with her as Cherokee Freedmen on a doubtful card, and the final decision in each of these applications will be made known to the applicant at her postoffice address. This address is said to be now the town of Tahlequah, where she claims to have lived for the past nine months.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 19, 1901.

Signed, T. B. Needles, Commissioner

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Emma M. Jones, being duly sworn, says that as stenographer to the Examiner in the five civilized tribes she copied the foregoing, and that the same is a true and correct copy from the original.

Emma M. Jones

Subscribed and sworn to before me this the 7th of November, 1901.

M. D. Green
Notary Public

(Affidavit)

DEPARTMENT OF THE
COMMISSION TO THE FREE C
FILED
SEP 18 19

To be filed with case of Jane Alberty, C.T.-D.#105.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JENNIE BALLARD as a Cherokee freedman.

APPEARANCES:
Applicant present in person and by agent, Lewis T. Brown.
W. W. Hastings present for Cherokee Nation.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and protests against the taking of the testimony of the applicant, Jennie Ballard, for the reason that she took the stand in her own case when her application was made and every point was going into thoroughly in her case and no new points were brought out by the Cherokee Nation in the testimony introduced in the Jane Alberty case and made a part of the record in her case, and therefore it is no competent to introduce any rebuttal testimony except where new points have been brought out, and then rebuttal testimony must be confined to the new point brought out by the defendant.

COMMISSIONER NEEDLES: Objection overruled and testimony will be taken.

JANE BALLARD, being duly sworn by Commissioner Needles, testified as follows: By Mr. Brown:

Q State your name. A Jane Ballard.
Q What is your age A I don't know my age.
Q What is your residence? A Tahlequah.
Q What was your name before you married? A Jane Alberty.
Q Your grandmother's name? A Nicey Alberty.
Q What was your brother's name? A Jeff Alberty.
Q Do you remember when the 1880 roll was made? A Yes, sir.
Q Where were you living at that time? A Near Jack Alberty's in a little cabin.
Q In what district? A Goingsnake.
Q Cherokee Nation? A Yes, sir.
Q Did the census takers come to your house or not? A Yes, sir.
Q Did they enroll you? A Yes, sir.
Q With whom? A My grandmother and my brother.
Q What did you say your brother's name was? A Jeff Alberty.
Q With whom did you live, Mrs. Ballard, from the time you returned here until you married?

Mr. Hastings: Question objected to by representative of the Cherokee Nation upon the ground that the agent for the applicant explained to the Commission that it was not the residence but identification upon the 1880 roll was which he desired to introduce the applicant; and that the question of residence was thoroughly gone into when the applicant made her original application, and that this is certainly not rebuttal testimony against any new matter brought out by the Cherokee Nation.

Commissioner Needles: This matter of her residence has been all gone into; we have got her testimony on that.

Q When you applied to be enrolled by Mr. Wallace who was your witnesses? A Jack Alberty, Silas Harlan, you will find it on record
Q Do you know a woman who is now going by the name of Jane Alberty and who claims to be an aunt of yours? A Yes, sir, I do.

Q How long have you known her? A Ever since I could remember I have known my aunt.
Q I will ask you to state whether or not she has ever gone by the name of Jane? A Not that I know of.
Q You have known her all her life? A Gene was always her name.
Mr. Hastings: Who took the census in 1880?
A Tuck Alberty and George Reese.
Q What time of the year was it they enrolled you? A I don't remember I think it was in the spring, as well as I can remember.
Q Were you married then? A No, sir, I married shortly afterwards.
Q What time of the day did they come to your house?
A I think it was right about noon as well as I remember.
Q Is there any circumstance by which you remember the fact that they came to your house? A Yes, sir, I do; my brother was working out and my grandmother notified him to come home and he enrolled; he was working about a mile and a half from home; she wanted to enroll him, he and I.
Q Did she notify you? A I was at home.
Q Where was your aunt Gene? A I don't know, sir, perhaps she might have been at home and perhaps she might have been gone.
Q You don't remember that? A It seems to me that she was there, I don't remember.
Q Where were you when they took the census in '83? A I don't know that; I guess I was in the Creek Nation.
Q Did you know who took them in '83? A No, sir, I don't.
Q Who took the census in '86? A I don't know that either.
Q Who took them in '91? A I don't know, sir.
Q Who took them in '93? A I don't know that.
Q You don't know what time in the year, you are not positive what time of the year, these gentlemen took them in 1880?
A No, sir, I think it was in the spring of the year though.
Q Do you remember any question they asked your grandmother?
A Yes, sir, they took our names and ages.
Q Jeff come back to the house did he? A Yes, sir, and was enrolled.
Q And you think Tuck Alberty was one of them? A Yes, sir.
Q What relation is Tuck Alberty to this man Jack Alberty?
A His Nephew.
Q How far from Jack Alberty were you living at that time?
A Quarter of a mile.
Q And that is the same man that testified? A Yes, sir.
COM'R NEEDLES: You say your name is Jane Ballard? A Yes, sir.
Q You gave your name in when you enrolled as Jennie Ballard?
A That is my name.
Q Your name is Jane? A Jane; great many calls me Jennie and great many calls me Jane.
Q Did you ever call yourself Jennie? A Yes, sir, sometime I do; Mr. Wallace testified and had me enrolled on the Wallace roll after my grandmother died; just whatever he give my age that is my age. I never enrolled myself until '96. He testified for me after my grandmother's death.
Q Are you the same person that was enrolled as Jennie Ballard on the 10th day of June, 1901, at Chelsea? A Yes, sir.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 10th, 1901.

Cher. Fr. D-659.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 17, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JENNIE BALLARD, ET AL., as Cherokee Freedmen.

Appearances:
Myron White, Attorney for Applicants:
W. W. Hastings, Attorney for Cherokee Nation.

Witnesses placed under the rule.

JENNIE BALLARD: beingfirst duly sworn, testified as follows on her own behalf:

BY COMMISSION: What is your name? A Jennie Ballard.
Q How old are you? A About forty-four, I guess, as well as I know.
Q What is your post office? A Tahlequah.
Q In what district do you live? A I really don't know, I live in Tahlequah.
Q You live in the Cherokee Nation, do you? A Yes sir.

MR. WHITE: How long have you lived in the Cherokee Nation, Mrs. Ballard? A I have livedthere all my life.
Q You were born in the Cherokee Nation, were you? A Yes sir.
Q During that time, Mrs. Ballard, have you ever moved from the Cherokee Nation permaantly, went away from there to make your home at another place? A No sir, I have worked away from there, backwards and forwards all my life.
Q Where have you worked, Mrs. Ballard? A In Cincinnati, and right on the line near Westville.
Q Have you ever worked in any other nation or country in the Indian Territory? A Yes sir, I lived here in this place a couple of years, then I worked in Okmulgee. When I was first married we lived at Okmulgee on a ranch some three or four years.
Q You may state whether or not at any time you ever moved all of your effects, all of your belongings, from the Indian Territory.
A No sir, never. I never have gone and took my household goods after I moved here.
Q Have you ever been away from the Indian Territory as long as a year? A Not without coming back.
Q What was your name before you were married? A Jane Alberty, sisterof Jeff's.
Q Were you ever enrolled as a citizen of the Cherokee Nation under that name? A Yes sir, Tuck Alberty enrolled me as Jane Alberty, in the year 1880.

MR. HASTINGS: Where were you living when Tuck enrolled you?
A Between Jack Alberty's and Buffington's.
Q With whom were youmliving? A Mice Alberty, my grandmother.
Q How far were you living from John or Jack Alberty? A About a quarter of a mile from Jack Alberty.
Q Jack Alberty's name is John? A About a quarter of a mile, rightout in a little glade.
Q Were you married at that time? A No sir, not at that time, but I married shortly afterwards.
Q How old is your oldest child? A Twenty-two.
Q What is his name? A Malcolm Ballard.

Q Is that the oldest child you evergave birth to? A After I was married to Ballard. I never was married until I married John Ballard.
Q Did you have a child before that? A Yessir.
Q What is its name? A Its name is William.
Q How old is William? A I guess he is about twenty-five or twenty-four, somewhere along there. I really don't know exactly.
Q William was alive in 1880, was he? A Yes sir, he was alive. He is alive now.
Q Did you have him enrolled with you in 1880? A I really don't know whether I did or not. I didn't give in the names, my grandmother did, I suppose she did.
Q Were you present when yourname was given in? A Yes sir, I was.
Q You heard it given in? A Yes sir, I think Will was enrolled by George Riggs.
Q This Tuck Alberty is the same man that is now a senator? A Yes sir, I saw him yesterday before I started over here.
Q This child of yours, then, is not on the roll of 1880 at present, along with you? A No sir, I think not.
Q You had an aunt by the name of Jane Alberty? A No sir, I had an aunt by the name of Eugene Alberty. Never had one by the name of Jane. Only wasone in the family and that's me, my name is Jane myself.
Q Your aunt never went by the name of Jane? A No sir, 'cause everybody knows that's not her name.
Q You know it is not her name? A Everybody did.
Q Everybody in Goingsnake District know that too? A Yes sir.
Q Tuck Alberty knows it is her name? A Yes sir.
Q Jack Alberty knows it was not her name? A Yes sir, he knew it was 't her name.
Q You are positive, you know it wasn't her name? A Yes sir, because she is my mother's sister. She testified my brother was her brother; she testified she was married, and everybody knew she never had been married.
Q You have been married? A Yes sir.
Q What is your name now? A Ballard. My husband and me separated, and I have never got a divorce, but I still go by the name of Ballard. My name used to be Alberty.
Q They all know you by the name of Jane? A Yes sir.
Q Mrs. George Gibson was a white woman? A Yes sir, and her name was Jane, I nursed for her. My grandmother lived in the yard and done the work, and I nursed in the house, just like Mrs. Richardson is doing for you.
Q Gibson lived over in Arkansas? A Yes sir, about a half a mile right over the line, and the other Gibson lived about four miles from him.
Q You belonged to Gibson? A No sir, I belonged to old John Alberty. I was little and don't know anything about it. I was at Gibson's place, and my grandmother worked there.
Q That is the same John Alberty that testified in this case? A No sir, it was old Jack Alberty that testified in this case. He enrolled me, and then he come right down here and tried to take me off the roll.
Q You belonged to Mr. Gibson, a white man, did you? A No sir, never did belong to him. He never owned me. I only worked for him when I was small.
Q Is he alive? A Yes sir.
Q You never asked him to act as a witness for you? A Yes sir, I asked him to come. I said I would ask him to come. Didn't ask him to come now.. My aunt worked for him as much as I ever did, and when I now left I left too.
Q Her name was 't Jane? A No sir.

Q How is it you come by the name of Jennie? A That's all the same, but Eugene and Jane isn't. Her name is Malserine Eugene.
Q Where were you living when you married? A Between Jack Alberty's and Tuskey.
Q Who married you? A Old Uncle Isaac Buckhannon. He is dead now.
Q How long did you live up there after you married? A Seven weeks right then.
Q Who did you live with? A I lived with my grandmother; was living with her when I married, and afterwards.
Q In what year were you married? A In the spring of 1880.
Q About what month? A The third day of April, I think it was about that time, it was in the spring of the year.
Q How after about seven weeks, you state, where did you move to? A Out to Okmulgee to Fred Severs' to cook, on a ranch. My husband was working out there when he come and married me. We stayed in Goingsnake seven weeks and afterwards went back.
Q You went to Okmulgee? A Yes sir, out on a ranch.
Q How long did you stay out there? A Some three or four years, I don't know exactly.
Q Then where did you go? A I come here.
Q To Muskogee? A Yes sir, right here to Muskogee.
Q How long did you stay at Muskogee that time? A I really don't know, sir, just exactly how long I lived here.
Q About how long; your best judgment? A I really don't know. At that time I never thought it was necessary to keep any record. I was young and didn't think aboutmit, and of course I don't know.
Q As much as five years? A No sir, I didn't live here as much as five years.
Q As much as three years? A No sir. Well, I don't hardly know whether it was as much as three years or not.
Q In the neighborhood of three years? A Yes sir, my best judgment I really don't know.
Q Is that your best judgment? A Yes sir, my best judgment.
Q Where did you go from here? A Went back to Goingsnake to my grandmother there on the branch at Bob Williams', around the mountain over here.
Q Had you and your husband separated? A Yes sir; not exactly separated. I just went off and left him in the Creek Nation at work, went to grandmother's. She was sick.
Q How long did you stay up there with your grandmother when she was sick? A I stayed until she died, after her death.
Q Then did you come back here? A Yes sir.
Q How long were you over there attending your grandmother's sickness? A I spent from February, I believe, or was it before Christmas? I really don't know just exactly. It was in the winter time, and I stayed until the opening of spring.
Q Two or three months? A Yes sir, I suppose it was.
Q Where did you go then? A I come back over here.
Q How long did you stay here that time? A I really don't know sir.
Q How long have you been living at Tahlequah this last time?
A I don't know sir.
Q Well, about how long? A I guess it is somewhere in the neighborhood of five years this time.
Q Where did you come from this time? A Cincinnati, Arkansas, five miles from Westville.
Q With whom were you living up there? A I was working for first one then another. I worked for several families up there.
Q Can you name some of them? A Bob Rowe, Bill Rowe, Oates, Spence.
Q Keep house? A Yes sir, sometimes I did. Just like I did at Tahlequah. Sometimes at home, and sometimes at Aunt 'Liza's hotel, and sometimes at Ballard's restaurant.

Q How long were you ever there just before you came to Tahlequah, five years, you said? A I really don't know just exactly how long I was over there, but you remember I hadbeen to Tahlequah before. I had went over there and back over here.
Q Had you been in Arkansas five years? A At one time, no sir.
Q All along together before you moved to Tahlequah? A Not at any one time. I hadbeen going backwards and forwards to Cincinnati five years, but didn't stay that long any one time.
Q How lon did you ever stay there at any one time?
A I don't know.
Q Your best judgment? No response.

MR. WHITE: Tell as near as you can tell how long you stayed there.

BY COMMISSION: Answer the question. Do you know?
A Yes sir, at one time, been there five or six months.

MR. HASTINGS: When did you ever have a house first in the Cherokee Nation, keep house first? A When I kept house first myself?
Q Yes? A Oh, I have always had a house in the Cherokee Nation.
Q Did you have one there in 1840? A All my life. I had a house in 1840?
Q Yes? A I really don't know.
Q Did you have one there in 1850? A I don't know.
Q When did you first keep house yourself in the Cherokee Nation?
A I always kept house with grandmother when I was at home.
Q You made your grandmother's place your home? A Yes sir.
Q After your grandmother died, and after you married, when did you keep house separate andapart from your grandmother first in the Cherokee Nation? A After I went back there from Muskogee here.
Q When was that? A I reall don't know sir.
Q About how long ago, your best judgment? A The Commission will tell you, I can't tell you.
Q You can't answer it to a day or a month, but your best judgment as to when that was you first kept house in the Cherokee Nation separate and apart from your grandmother? A About nine or ten years ago, I guess.
Q Whereendid you keep house? A I never, really can't remember of keeping house by myself, just living alone by myself since. After grandmother's death I stayed at Mr. Duncan's, Mrs. Nancy Duncan's, and my aunt, after grandmother's death.
Q Where did she live? A Not far from Jack Alberty's place.
Q She is dead? A Yes sir, she is dead.
Q I thought you said you left there immediately after your grandmother's death? A I went back and kept house. That's a fact. I went back after her death. I come back here, and then went over there.
Q How longdid you keep house with Mrs Duncan? Didn't you then work for her? A Yes sir.
Q Did you ever keep house over there anywhere separate and apart from working for other people? A No sir, I don't believe I ever did, in Goingsnake, after grandmother's death.
Q Did you ever, anywhere in the Cherokee Nation? A Yes sir, in Tahlequah. I have been keeping house there for nine or ten years in Tahlequah.
Q That is the first place you kept house in the Cherokee Nation, is it? A Yes sir, keeping house separately without working for somebody, living in the house and working for people.
Q That is the first house you have everoccupied? A Yes sir, since grandmother's death. I went everywhere I wanted to, and when I got through working I went home tomher.

BY COMMISSION: What was your father's name? A I don't know. My mother died when I was a little kid, and I never did see my father.
Q What is your mother's name? A Martha Alberty.
Q Were you born before the war? A Yes sir.
Q Were you a slave? A Yes sir.
Q Who was your master? A Old Johnnie Alberty.
Q When is the first time you ever left the Cherokee Nation?
A In the spring of 1880.
Q Where did you go then? A Went to the Creek Nation out on a ranch.
Q When is the first time you went to Arkansas? A The first time I went to Arkansas?
Q Yes.

BY MR. WHITE: The first time you were ever over there.
A That is when I was a little kid. My grandmother lived over there before I was grown and married. My grandmother had a little cabin at Mr. George Gibson's. She done the outside work and I nursed. After she left and built overin the Nation I lived with her.

BY COMMISSION: Where were you living when the 1880 roll was made?
A In between Jack Alberty's and Buffington's and Tucksy's.
Q In Goingsnake District? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q When was the first time you ever went to Arkansas after 1880?
A About ten years ago, I don't know what year it was in; about ten years ago when I first began to work backwards and forwards in Arkansas.
Q About 1893, is that the first time you ever worked over there since 1880? A Yes sir.
Q Where did you go to? A Cincinnati, worked five miles beyond Westville.
Q How long did you stay in Cincinnati at that time? A Sometimes five months, sometimes six.
Q How longdid you live there continuously at that time in Arkansas?
A I really don't know sir.
Q When did you come back to the Cherokee Nation from Arkansas the last time? A About five years ago,
Q Your former testimony before the Commission taken at Chelsea June 10, 1901, didn't you say that you came to Tahlequah nine months ago from Cincinnati, Arkansas? That would make it in about 1900?
A No sir, I didn't say it, but somebody else did state I come there nine months before. I said I hadbeen there three years. I heard it was said I had been there only nine months, or nine weeks or something.
Q Is it or is it not a fact that you removed from Cincinnati, Arkansas, the last time in 1900? A I have been there going on five years, five years this month, I reckon it is, in Tahlequah, this last time. I have been living backwards and forwards now for about ten or twelve years.
Q Have you been living at Tahlequah continuously for the last five years? A Yes sir.
Q Never been in Arkansas during that time? A No sir.
Q How long did you live in Arkansas at any one time, all the time?
A I told you that I livedthere sometimes five or six months without going out, and then I would come out, and go over to Tahlequah, go from Tahlequah to work and then come back again.
Q Did you ever live there for eight or nine years at a time?
A No sir, never did, never in my life.
Q When you went to Arkansas after 1880, did you leave any property in the Cherokee Nation?

A I left my household. When I left Okmulgee I left our household, expecting to come back and get it, and didn't get it. When I left here I leftpart of what I had, and never did get it.
Q Did you have property in the Cherokee Nation all the time when you were in Arkansas? A Had my household. Never had property anywhere, always lived with my grandmother or somebody else. I never had a home.

MR. WHITE: Property is bed clothing, or any personal effects. That is what he asked you.

MR. HASTINGS: What household effects did you have after you left over there, what became of that, over in Goingsnake in 1880? Didn't those household effects belong to your grandmother with whom you lived? A No sir, not altogether. Of course some belonged to me. I had my own bedding and my own bedsteads and such things like anyone else.
Q How many bedsteads did you have? A I had one or two.
Q Do you know which? A I know I had two.
Q What became of them? A I really don't know what became of them, I don't know.
Q You don't know what became of any of those household effects?
A I had seven wagon loads, and only took two back tomTahlequah. I don't know where they are. I had enough to furnish two good houses, stoves and beds and everything else.
Q All kinds? A Yes sir.
Q You never thought enough of them to look after them, did you?
A Yes sir, I did, but it neverdid go me any good. It didn't amount to much for me to look after them.
Q You don't know what became of those you left in Goingsnake District? A Of course I don't know what became of them.
Q They just went with her estate? A No sir, I don't know anything about her estate either.

BY COMMISSION: Who did you say gave your name in to be enrolled in 1880? A Nicey Alberty, my grandmother.
Q Were you living with her at that time? A Yes sir.
Q Who else was in the family at that time, was there anybody else?
A Yes sir, she had a daughter of her own. I had a brother name Jeff. The daughter was Lugenia. Lugenia and Jeff.
Q Lugenia Alberty and Jeff Alberty, you and your grandmother, were all living together in 1880? A Yes sir.
Q Where were you living when the Wallace roll was made?
A When the Wallace roll was made?
Q Yes, in whatdistrict? A I was working at Mrs. Duncan's, as well as I remember.
Q Near what town? A It is about a mile from the old place, where my mother was born and raised in Goingsnake District.
Q What is Mrs. Duncan's name, herfirst name? A Nancy, as well as I remember. I really don't remember. I know one thing. I had come back from the Creek Nation, and Mr. Jack Alberty enrolled me for the Wallace roll. I had just had come home, the last trip I made out there.
Q How much money did you get in 1880? Were you married when the Wallace roll was made? A Yes sir, and had lived in the Creek Nation
Q What was your husband's name at that time? A John Ballard.
Q Were you living with him? A Yessir, but he and I wasn't together We wasn't separated, but he was working for someone.
Q You stayed with Mrs. Duncan, you say? A I really don't exactly knowwhere I was staying when the Wallace roll was made, but I know I hadjust come home from the Creek Nation, I was working for someone.

Q How much money did you get in 1880? A I only drew for myself and two children, I believe, three children.
Q What was their names? A Lena, William and Malcolm, I believe.
Q Alberty? A No sir.
Q What was their family name? A Lena Blade and William Blade and Malcolm Ballard. I think I drew for myself and three children.
Q How much for each one of the children? A I think fifteen dollars and something. It hasbeen so long I have forgotten. I was young then and didn't pay any attention to these things, and didn't keep any memorandum.
Q Where did you draw that money? A At Braggs Station.
Q Who paid it to you? A I have forgotten the paymaster now, I don't know.
Q But you drew for yourself and those three children? A Yes sir.
Q Were their names on the 1880 roll? A No sir, their names wasn't on the 1880 roll.
Q Are you speaking then of the Wallace payment? A Yes sir, it is the Wallace payment? Wasn't that what you was speaking about?
Q I am asking about the1880 payment? A Fifteen dollars, I believe. I didn't get themoney on the 1880 roll because I was in the Creek Nation. Tuck Alberty drew this money for my grandmother, and I never got it.
Q You say Tuck Alberty got the money in 1880? A Yes sir, he drew for my grandmother and got my money. I never did see it, I wasn't here. I thought you was talking about the Wallace payment.
Q Weren't you here at all in 1880? A No sir, I married in the year 1880, and that spring I went out in the Creek Nation. I wasn't here. I was here in the winter of 1880, but I married, and that spring I went out on a ranch and worked, and when the payment come off for this enrollment I wasn't here. I was out in the Creek Nation on a ranch cooking for Fred Severs, near Okmulgee.
Q You married along about April of 1880? A Yes sir, somewhere along about the spring of the year, an d seven weeks after I was married -
Q Did you stay until after Christmas of that year?
A Yes sir, I stayed longer than that.
Q How long did you stay? A I really don't know, quite a while.

TRIM BARKER, being first duly sworn, and being examined, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Trim Barker.
Q What is your post office? A Summers.
Q In what district do you live? A We don't have any districts.
Q You live in Arkansas? A Yes sir.
Q Do you know Jennie Ballard? A Yes sir.
Q Who was her father? A A man by the name of Harrell.
Q Was he a colored man? A Yes sir.
Q Was he a state raised man? A I don't know anything about that, he was grown up, I hardly knew him, but so I have been informed.
Q Did you know him before Jennie Ballard was born?
A Yes sir, I knew him before. I was small, but I knew him.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Harrell.
Q Was his owner a Cherokee? A No sir, his owner was a white man.
Q Where did you live when he was a slave? A Lived in Washington County, right on the line.
Q Was he living there when the war broke out? A Yes sir, he was living there when the war broke out.

Q Living in Washington County, Arkansas? A Yes sir.
Q Did you know Jennie Ballard at that time? A I have only known her since 1872.
Q Who was her mother? A A woman by the name of Martha Alberty, I think that is correct. That is the best of my knowledge. These things have been a long time back.
Q Where was Jennie Ballard living when you first got acquainted with her? A I suppose she was living in Rabbit Track with her grandmother.
Q Where is that? A That is over here in Peavine.
Q In what state? A In the Territory.
Q In what Nation? A Cherokee.
Q How longdid she continue to live there? A I went to Kansas in 1874, and when I come back she was living at George Crittenden's in the Territory.
Q When did you come back from Kansas? A I come back in 1875.
Q She was living at George Crittenden's, in what district?
A It was in Goingsnake.
Q How long did she continue to live there in Goingsnake District?
A She lived there from that time until sometime in 1880, when she married, o the best of my knowledge, there at Jack Alberty's. They had cabins on each one of those places, I helped put up one of them.
Q She livedthere until she married? A Yes sir.
Q Where did she go then? A Went to Okmulgee.
Q When did she come back to the Cherokee Nation? A It was some three or four years, as well as I recollect.
Q How long did she live in the Cherokee Nation at that time? when she came back from Okmulgee? A She livedthere quite a while, I don't know how long. I am just unable to say. She worked in the state, backwards and forwards, and returned home.
Q Did she ever go to Arkansas? A She was over there and worked there.
Q Wen did she go to Arkansas the first time after 1880?
A I am sort of of the opinion that ~~I/I~~ she didn't go to Arkansas until after she came bak from the Creek Nation; thatmis the best of my knowledge about it. It has been quite a long while ago; it seems to me that's the way.
Q About how many years ago is that she went to Arkansas after she came from the Creek Nation? A It is somewhere in the 80s, I don't know just what year.
Q Along in the 80s? A Yes sir.
Q How long did she stay there at that time? A I don't remember that, but after she came back from the Creek Nation she stopped about Mr. Williams' over there, Bob Williams', and her husband worked for a man by the name of Moore out there north of Okmulgee, and he just stayed there quite a while, I don't know how long. Jennie here came back to her grandma's and stopped and stayed there I think until she died. Then she went to his mother's and she stayed there, I don't know how long. I moved then some six or eight miles away, south, I don't know, but the next I heard of her she was down here about Tahlequah.
Q Do you know when she came back to Tahlequah the last time from Arkansas? A I lived about ten miles. I don't know just exactly when she did come back, but it was after - I don't remember whether it was before the payment or not, sometime along in there.
Q Was that the Wallace payment? A I don't know what part it was the Wallace payment or what it was.
Q To the best of your recollection, how many years ago did she come back to the Cherokee Nation from Arkansas the last time? A How many years has it been? Well, I would be safe in saying fourteen, I reckon, sixteen, somewhere along there, since she came back from the Creek Nation.

Q When did she come back from Arkansas the last time? A I am unable to say just when that was. It has been quite a while.
Q How long has she been living at Tahlequah? A She has surely been there as much as ten years; that's the best of my knowledge.
Q For the last ten years? A If that is correct. I may be mistaken but I think that is about it.
Q Have you seen her there during this ten years? A I seen her there, yes sir, making my visits up about Westville, in that neighborhood there. I don't know that I had been to Tahlequah more than once since Jennie has been there.
Q How often have you been to Tahlequah during the last ten years? A One time.
Q When was that? A That is about the time the Wallace enrollment was made.
Q You have not been there since? A Just once since that.
Q When was you there since that? A It has been, I reckon, a couple of years ago.
Q About two years ago? A Yes sir, I think that is correct.
Q What time of the year? A In the fall.
Q Would it be in the fall of 1901? A Somewheres along there.
Q Did you see Jennie B allard at that time? A Yes sir.
Q There in Tahlequah? A yes sir, seen her since coming out, going to show, and that's the last time.
Q When did you see her before that? A About the time she went to Tahlequah, I suppose ten years ago. Saw her once in ten years, if I am right, about ten years being the proper time of her coming there.
Q You saw her once about ten years ago, and the next time in the fall of 1901? A yes sir, about two years ago.
Q How do you know that she has been living in Tahlequah for the last ten years? A By her absence, asnear as I can establish it, by being away from her old neighborhood in and about Alberty's and in the state there where I live.
Q You couldn't say, then, of your own knowledge, that she has lived continuously there for the last ten years? A That is the best of my knowledge, as far as I can get it.
Q You don't know where she went to, between the time you saw her ten years ago, and the time you saw her two years ago?
A I only heard of her being about Tahlequah.
Q Do you know how long she stayed in Arkansas the last time she was over there? A No sir, I don't.
Q Do you know how long she livedthere at any one time?
A No sir, I don't. I reckon the longest time she ever livedthere was while she was in the infant state. She was over there nursing for Gibson directly after the war to my knowledge.
Q How long did she stay there then? A She couldn't have stayed over a yearor a year and a half. She was with her grandmother there at that time.
Q Do you know of her having property in the Cherokee Nation?
A To the best of my knowledge, when she came from Muskogee, or from Okmulgee then, there was a portion of her things left at her grandmother's.
Q Where was that? A That was at Bob Williams' in Delingsmake District.
Q When did she leave property there? A When she was on her movebank from the Creek Nation.
Q That was several years after 1880? A I suppose she did. I couldn't be right positive, but circumstances makes me believe she did. She went to herhusband's mother, in the house, and I suppose left part of her things at Martin Williams' or John Harrell's, or whichever you might call it.
Q How do you know that she left some of her things there? A I suppose she did. I just heard she did. I don't positively know it, but I have a right to believe it, simply because her mother-in-law just had a little house -

Q You didn't see any of the things? A No sir, I didn't. I couldn't tell you that I did.
Q Did you ever see any property at any time since 1880 that she left in the Cherokee Nation? A I have been to her house, whether her property should have been if she had any, at her grandmother's.
Q You don't know? A No sir, I just don't know, but I believe it.
Q Where was she livingin the spring of 1880? A To the best of my knowledge she was at Crittenden's, either at Crittenden's or Alberty(s now, I wouldn't be positive.
Q Which Alberty's? A Jack's.
Q You don't know whether she was living at Crittenden's or Jack Alberty's? A One of them two places.
Q Do you remember when the census takers came around in 1880?
A No, I can't tell you when they came around in 1880, but my understanding is that she was taken in the 1880 census.

MR. HASTINGS: You are not a citizen? A No sir, I no citizen. I was right on the line there.

BY COMMISSION: Where were you living in 1880? A I was living in Washington County, Arkansas.
Q Have you livedthere ever since? A Ever since, not exactly at the same place where I was living at the time she livedthere, but five miles away at present.
Q How long have you lived in Washington County, Arkansas?
A I have lived in there all of nine years. I am living - I am fifty-six years old next birthday.
Q You have livedthere the last forty years, haven't you?
A Principally right in the neighborhood at that place.
Q Have you ever lived in the Cherokee Nation one year.
A I lived in the Cherokee Nation one year.
Q When was that? A That was in 1871.
Q Where did you live? A In Sequoyah.
Q Since 1871 you have never lived in the Cherokee Nation?
A No sir, never have.
Q How far did you live from Jennie Ballard in 1880?
A I lived, I suppose, three-quarters of a mile.
Q You were on one side of the line and she was on the other?
A Yes sir.
Q Did you ever know Micey Alberty? A Yes sir.
Q Was she a colored woman? A Yes sir.
Q Was she any relation to Jennie Ballard? A She was her grandmother
Q Did Micey Alberty have a husband at that time? A No sir.
Q What was herhusband's name? A I don't know.
Q Who all was livingin Micey Alberty's family in 1880?
A There was her daughter.
Q What was her name? A Gene.
Q Gene Alberty? A Yes sir.
Q Who else? A Jennie.
Q Jennie what? A She was Alberty herself at that time.
Q Who else? A Rose.
Q Rose Alberty? A Yes sir.
Q Who else? A Jeff, her grandson, Jennie's brother.
Q They were all living together in 1880, were they? A Yes sir.
Q Do you know whether Jennie Alberty was an idiot? A Yes sir.
Q What is her name? A Gene was what I always heard her called.
Q Where was this at livingin 1880?
A She was living with her mother.
Q What is her mother's name? A Micey Alberty.
Q Was she living there in Goingsnake District too? A Yes sir.
Q Was she living in the same family them with Jennie Ballard?
A Yes sir.

Q How much older is this man than this woman?
A I suppose she must be six or eight or ten years older. That is my judgment about it.
Q Did this woman go by any other name be i des Jennie Alberty?
A She goes by the name of Jennie Ballard now.
Q Did she ever go by any other name than Jennie?
A No sir, none that I ever heard of, Jennie Ballard, and she married of course.
Q Before she was married she was always called Jennie Alberty, was she? A Always.

MR. WHITE: You have known thiswoman since 1872? A Yes sir.
Q Do you remember the time when she was working over in Arkansas?
A Oh yes.
Q Now during that time, did you consider that she lived in Arkansas.

Mr. Hastings: I object to that.

Q How long did she stay over there at any one time, to your knowledge? A She couldn't have stayed long, for her mother was mostly in the Territory at the time. Just to tell you the truth about it, tell you as near as I can about it, she was one season, the season of 1874, her grandmother came up tomGeorge Gibson's and lived some part of the time. I went to Kansas in '74 and came back in '75 and found them inthe Territory in '75. They couldn't have stayed long. They just went over there to make their living, that's the fact of it.

MR. HASTINGS: You just knew her in '72? A Yes sir.
Q Where was her first child born? A It was born, the first child, on Jack Alberty's place.
Q When? A It must have been, to tell you as near as I can, it was in 1882 the 80s.
Q 1882 or '3 A I wouldn't say just what, but somewhere in the 80s I know.
Q Are you positive about that? A Yes sir, I think I am.
Q Now uncle, do you know anything about time or dates?
A I do if I try to keep them, but on this occasion I didn't try to keep them.
Q Don't you knew she had a child born long before 1880?
A It might have been.
Q That shows you don't know much about the year 1880, do you?
A I knew that her second child was born in the 80s.
Q I am asking you about the first child? A
A It may be possible that it wasn't out of the 80s, it may be that.
Q Now, do you know? A I am not trying to affirm it hardly, because I don't know.
Q I am asking you now if you don't know?
A I say I tell you I don't know just whom her child was born.
Q And yet you know so much about this woman?
A About her second child? A Her grandmother' and her aunts went away, and I visited the place -
Q Now about her first child? Do you know where it was born?
A Yes sir, I do.
Q It was born at George Crittenden's? A Yes sir
Q You lived over in the state? A Yes sir.
Q You never had any right here? A No sir.
Q Never claimed any? A No, don't know anything about it.
Q You never had any occasion to enrollon the 1880 roll? A No sir.
Q Nor the Wallace roll? A No sir.
Q Nor the 1896 roll? A No sir, I don't know anything about the Indian affairs.

Q You don't know anything about the rest of those little Indian payments? A Never heard.
Q You don't know about them? A No.
Q You never testified in this case? A No sir.
Q You are a colored man? A Yes sir, nigger.
Q I want to know if you know of yourmown personal knowledge about her effects, or did you see some effects in her grandmother's house?
A Just simply because she was there. It was said she had some things there.
Q You don't know of your own knowledge?
A No sir, I couldn't be positive, but I have a right to believe.
Q This woman testifies herself that she lived in Arkansas, and come from there about five years ago down to Tahlequah, and yet you testify you never saw her around up there? A I told you I moved away some distance, where I wasn't likely to see her.
Q When did you move away? A I went away from there sometime in 1888, when I left the neighborhood.
Q How far did you move away from there? A About seven miles.
Q Since that time you don't know much about it?
A Just know she is backwards and forth down here to Tahlequah.
Q You never saw her here but once?
A Just saw her once, saw her coming away.
Q You don't know of your own personal knowledge where she lived?
Q No sir, just had a right to believe I know.
Q I am asking what you know? Did you ever see this woman keeping house in the Cherokee Nation separate and apart from her grandmother. Never have been to her house, outside of her grandmother's house, I told you.
Q Do you know when her grandmother died? A Yes sir.
Q When? A I think it was about, as well as I can recollect, it was in 1886.
Q When did her mother die? A I don't know, it was before the war.

JACK FUNKHOUSER, beingfirst duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Jack Funkhouser.
Q How old are you? A I am fifty-two.
Q Where do you live? A I live in the state.
Q What state? A Arkansas.
Q What country? A Washington.
Q What is your post office? A Summers.
Q How long have you been living in that county?
A Well sir, I was born and raised there.
Q Never lived any place else?
A I have been to different places for mayve five or six months.
Q You never lived in the Cherokee Nation?
A I lived here in the Cherokee Nation during the time of the war.
Q Have you ever lived in the Cherokee Nation since the war?
A No sir, only just in and out.
Q Do you know Jennie Ballard? A Yes sir.
Q How long have you known her? A When I got acquainted with Jennie Ballard it was in '66. She came in on the farm I was working on with her owners, which is John Alberty and Mose Alberty, and his son Jess.
Q Where did you see her at that time? A I seen her right there in three miles of Cincinnati, south of Cincinnati.
Q In Washington County, Arkansas?
A Yes sir, that was in '66.

Q What time of the year was that? A It was in the spring.
Q How long did she stay there at that time? A The parties that wrought her there, they stayed until fall. They made a crop on the same place I worked on. Then in the fall they moved over into the nation to their own homes. They caused them to rent there, the farm was all burnt out, they had no fence. They just got their crops in the state, and then moved back in the nation.
Q What nation? A Cherokee nation.
Q How old was Jennie Alberty at that time? A I wouldn't say how old she was, because she was a small girl, nothing but a smallkid As for her grandmother, I couldn't say what age she was, I don't know. Of course I could n't state her age unless I knew it.
Q You didn t know her at the beginning of the war, did you?
A No sir, I didn't know her at the beginning of the war. I knowed her mother, though.
Q Did you know Jennie Ballard in 1880? A Yes sir.
Q Do you know when she got married? A I couldn't.
Q Do you know whether she was ever married?
A Yes sir, I know she was married.
Q Do you know how long ago that has been? A I don,t know whether it was in 1870 or 1880 she married, couldn't say.
Q Where was she living when she married?
A She was living there with her mother between Jack Alberty's and Buffington's.
Q You say she was living with her grandmother? A Yes sir.
Q Was anybody else living in the family? A Her brother.
Q What is his name? A Jeff.
Q Jeff Alberty? A yes sir.
Q Who else was livingin the family? A Her daughter. She had a daughter by the name of Rose.
Q That is Jennie Ballard's daughter?
A No sir, that is her grandmother's daughter.
Q Who else was livingin the family besides those you named?
A She had a son, but then he wasn't living there with her at that time. I don't know where he was living at that time.
Q Did you ever hear this woman called an ything except Jennie?
A I have heard her called Jane.
Q When was she called Jane? A They used to call her Jane when she lived out there where I was, where the Alberty's made a crop and held her there.
Q Which name was she generally known by, Jennie or Jane?
A I suppose we mostly called her Jennie., but her grandmother called her Jane.
Q Were you ever at her grandmother's house. A Yes sir.
Q When? A I helped to put up her little hut.
Q Were you ever there before 1880? A Yes sir, I was.
Q Did you see this woman there? A Yes sir.
Q Where was - do you know whether this woman had an aunt or not?
A Yes sir.
Q What was her name? A Eugenia.
Q Was she ever called by any other name except Eugen ia?
A If she was I don't know it.
Q Where did she live at the time this woman was living there with her grandmother in 1880? A If I make no mistake, she was living with a man by the name of Thompson.
Q This woman's aunt, then, wasn't living with Nicey Alberty in1880?
A No sir, she wasn't at that time.
Q Did she live there at any time during1880?
A If she did,I don't know anything about it.
Q Was this aunt married in 1880? A No sir.

Q You say she was living with a man?
A She was working for a man by the name of Thomasson.
Q What was his first name? A Tiff.
Q Is he dead now, or alive? A He is alive.
Q Where does he live? A He lives in the state.
Q What is his post office? A Cincinnati, I suppose.
Q Is he a white man? A Yes sir.
Q You think he lives in Cincinnati, Arkansas? A Yes sir.
Q When did Jennie B allard first go to Arkansas after 1880?
A She was there in '66.
Q After 1880? A Jennie Ballard come here in the Creek Nation, right after she married she come into the Creek Nation. I don't know but what she stayed out here four or five years. I aint certain how long she stayed out here, but I know she stayed here in the Creek Nation, then she come back to her grandmother's
Q When did she first go to Arkansas after 1880?
A I don't remember.
Q When was she in Arkansas the last time to work or live?
A The last time to live? She was there a while in 1880.
Q How long disd she stay then?
A She never stayed there very long.
Q What time of the year was that? A In the fall.
Q After she was married? A That was a long time after she was married, five or six years, I guess; then she came right back into the Territory again.
Q You think she was married five or six years after 1880?
A I think she was married somewheres along in the 70s.
Q When did you see her in Arkansas he last time? A I don't know.
Q How long has that been ago, that you ever saw her in Arkansas?
A Yes sir, I saw her in Arkansas.
Q When did you see her the last time? A Last Spring.
Q How long had she been living there at that time?
A She didn't live there no time. She come up there one week and back the next week. I believe she came right back the same week. She come up there the last time I seen her there.
Q When was the last time she was there to live?
A I couldn't tell you nothing about the last time she was there to live, because when she come over there why she never would stay there no time. She always held the Cherokee Nation her home and come right back over there.
Q Did she ever stay in Arkansas as much as a month?
A I guess she has stayed there - I don't know, I couldn't say how long she stayed at her grandmother's. You know she was at her grandmother's, her mother-in-law's, I mean.
Q At her mother-in-law's? A Yes sir.
Q What is her mother-in-law's name? A Ballard.
Q Nannie Ballard? A Maria Ballard.
Q How far did you live from there, from Maria Ballard?
A About three miles. I never said Nannie B allard, Maria Ballard.
Q Do you know how long - what is the longest time she ever stayed in Arkansas at one time since 1880? A I don't remember, I wouldn't say. Of course I was sort of like a wild horse. I baffled around a good deal myself.
Q Have you been right there since 1880 all the time?
A I have made that my home, but still I was travelin around different places, but then that is my home.
Q You have not been there since 1880 then all the time, have you?
A No sir, I have been in and out once in a while.
Q Do you know where Jennie Ballard hasbeen li ving for the last ten years? A Down here at Tahlequah, as far as I recollect.

A Right at Tahlequah for the last ten years,has she?
A I don't know just exactly who ther she has been there ten years or not, but I know she has been in the Territory. I couldn't keep up where she has been in the Territory.
Q Has she lived in Arkansas any time during the last ten years , since 1893? A No sir, she hasbeen making her home here.
Q She has not lived in Arkansas at all since 1893?
A Not to my knowing.
Q Do you know where she has lived during the last ten years?
A I wouldn't begin to say where she has been living. She has been living in the Territory, but I couldn't say whether she has been living at one place or different places.
Q How often have you seen her during the last ten years?
A I don't know that either. I seen Jennie several times, a good many times. I used to peddle at Tahlequah, and I seen her a good many times at Tahlequah.
Q When did you see her there the last time?
A January, last January.
Q When did you see her before that? A I haven't seen her all the time before that. Of course that's the last time. I aint been to Tahlequah for a year, since I was there last Jan uary. Before the railroad come to Tahlequah I peddled there every fall. Jennie was living there in Tahlequah then.
Q You mean the Ozark & Cherokee Central Railroad? A Yes sir.
Q Before that was built you peddled every fall in Tahlequah?
A I peddled a good deal right in Tahlequah, from Tahlequah to Okmulgee, and to this place.
Q Did you see Jennie Ballard there every fall?
A I wouldn't say to see her every fall. I seen her off and on. Of course when I come to Jennie's house I would see her, and other times I have been to herhouse and wouldn't see her.
Q How did you know she was some place else in the Cherokee Nation?
A Just by asking the people. They said Jennie was gone.
Q I mean of your own knowledge. You didn't know of your own knowledge where she was? A Oh no, I didn't know. I know she always held the Cherokee country for her home. Of course I had no forethought of studying about where she is living in the Territory. I know she belonged to the Territory.

MR. HASTINGS: What year is this? A '93.
Q How old are you? A Fifty-two.
Q Have you e ver been up before the courts?
A No sir, this is the first time I was ever before the court.
Q Ever arrested? A No sir.
Q You are a colored man, are you? A I am a nigger. I aint a colored man at all, just a natural nigger.
Q How long have you lived in the vicinity of Cincinnati?
A Livedthere firty-two years.
Q When was the last time you knew Jennie Ballard to live in that vicinity and work there? Has she worked around there in the last ten years? A I don't remember.
Q You don't recollect about that? A No sir.
Q Don't you know she ~~kkkk~~ left there about three years ago and come down to Tahlequah? A No sir.
Q She swears herself she left there five years ago. How about that? Are youmprepared to dispute that?
A Just let me study a while.

Applicant: Five years.

Q The applicant has just interrupted and statedthe time?
A No sir.

Q Didn't you hear her say just now, in the presence of the Commission - A Yes sir, I heard her say.
Q Before that you hadn't seen her for ten years? A Yes sir.
Q At work? A I haven't seen her at work.
Q You never saw her at work in your life?
A Yes sir, I have, many a time.
Q You think she married about 1870?
A Yes sir, somewhere along about there.
Q Is that your best idea about dates?
A Yes sir, I aint no reading man, and don't keep no record.
Q You have got no occasion to know about dates, do you? A No sir.
Q You don't know about how long ago 1880 was, do you?
A I reckon I do.
Q Did you have occasion to remember the year 1880? I ought to have.
Q Why? A I had a wife that I ought to know something about that, because she belonged to the Nation.
Q In 1880? A Yes sir.
Q You know that in 1880 she had been married ten years, from 1870?
A I didn't say I knowed it.
Q What do you know about it? A I said I know she was married.
Q About when was she married?
A I couldn't tell. I couldn't say what year, because I don't know.
Q Has she any children? A Yes sir, she has got children.
Q What is the oldest child's name? A Bill.
Q When was he born? A I don't know. I don't know when none of her children was born.
Q Where was he born? A He was born there by Alberty's, between Jack Alberty's, I think, and Buffington's.
Q Do you know where he was born? You say you thought he was born-
A I don't know that he was born there, but I heard it said he was born there, by the old lady that was there.
Q Was she married when William was born? A No sir, she wasn't.
Q Where was Malcolm born?
A Malcolm was born there in the nation, I guess.
Q Do you know? A No sir, I don't know it.
Q You don't know where he was born? A No sir.
Q You don't know where she was living? A I know where she was living when Bill was born.
Q I am talking about Malcolm. Do you know where she was living when Malcolm was born? A No sir.
Q What is the nest child, if she has got one? Has she got another child besides Malcolm? A Yes sir, Kitty.
Q Where was Kitty born? A There in the Territory.
Q Where? A At Buffington's.
Q You swear that now of your own knowledge?
A No, I wouldn't swear it of my own knowledge, because it is hearsay. I wouldn't swear she was home, I wouldn't swear it.
Q Has she got other child except Will, Malcolm and Kitty? Has she another child? A Of course she has.
Q What are their names? A Spate.
Q Where was Spate born? A I don't know where he was born, whether he was born in the Creek Nation or where.
Q You haven't kept up with her residence very much, have you?
A No sir.
Q Has this woman ever kept house in Goingsnake District?
A I can't say that, I know she lived in the Territory.
Q Did she ever have a separate house, keep house up there away from her grandmother? A Not to my knowledge.
Q You never did know of her keeping house up there, her and her husband, separate and apart from her grandmother? Answer that yes or no. A No sir, I don't know.

Q What were you peddling every fall, whisky?
A If I was peddling whisky?
Q You said you was peddling?
A Peddled flour
Q When did you first see this woman keep house at Tahlequah, what year? A I couldn't say what year.
Q To the best of your knowledge, what year? A I don't know whether it was 1895 or '94.
Q You don't know what year it was, do you? No response.
Q Have you ever been at her house?
A yes sir, I have been at her house.
Q How many times? A I don't know.
Q About how many? A I don't keep no record of it. I was at her house, though.

KY LITTLE, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Ky Little.
Q How old are you? A I don't know exactly how old. I am something over fifty, I guess.
Q Were you born before the war? A Yes sir, I was twelve years old when the war come out.
Q What is your post office? A Summers.
Q In what county and state is that? A Washington.
Q What state? A Arkansas.
Q Washington County, Arkansas? A yes sir.
Q How long have you livedthere? A Raised there.
Q Lived there all your life? A Yes sir.
Q Ever live in the Cherokee Nation?
A No sir, lived right on the line of the Cherokee Nation.
Q How far from the line?
A It is said to be about four miles, hardly so far.
Q Lived right there in the same place all your life,have you?
A Yes sir, right there all my life. Was never out of there only one year, that was in the time of the war, the last year of the war.
Q Where did you go then? A Went to Texas. Peace was made and I come back and been here ever since.
Q How long have you known Jennie Ballard?
A I have been knowing JennieBallard ever since about the war.
Q When did you first get acquainted with her?
A When I first got acquainted with Jennie Ballard at was at old Uncle George Gibson's place.
Q When? A Well, I couldn't -
Q Was it after the war? A Yes sir, after the war.
Q How long after the war? A I suppose it might have been four or five or six years, though I couldn't tell you exactly how long after the war.
Q Who was she living with at that time? A I got acquainted with her
Q Yes, who was Jennie Ballard living with then? A When I first got acquainted with her her home was with her grandmother. Her grandmother was named Nice Alberty, and when I first saw her she was at old Uncle George Gibson's. Her grandmother lived right across the line there, and that was her home, over in the Territory. She made that her home, but she was working backwards and forwards into the state once in a while.
Q Where did George Gibson live? A George Gibson lived right on the line. The line run right by his door, so said.
Q What is Jennie Ballard's father's name? Who was her father?
A I couldn't tell you who was her father.

Q Who was her mother? A I wasn't acquainted with her mother. Her mother died during the war.
Q During the war? A Sometime during the war, the last year of the war or sometime. I never did see her mother. I saw her grandmother and the rest of the folks.
Q Have you known of her continuously since that time, since you first got acquainted with her, five or six years after the war?
A Yes sir.
Q Have you seen her often? A No sir, I never seen her. I seen her when she was over there, and she has been backwards and forwards in the Nation nearly all the time. She stayed a while at Cincinnati, and she is backwards and forwards in the Nation. Of course I couldn't see her all the time. When she was married, of course-
Q When was she married? A She was married in & '70, I think.
Q 1870? A Yes sir, I think.
Q Has she ever been married more than once?
A No sir, not as I know of.
Q Where was she living when she married?
A When she married she was living with her grandmother.
Q Who else was livingin the family at that time?
A Gene was living with her, that's her aunt., and she had an other daughter, hergrandmother did, named Rose, and a young fellow by the name of Jeff Alberty, all living there together.
Q What was Rose's family name? A Rose, she married.
Q What was her surname? Was it Rose Alberty?
A Yes sir, Rose Alberty.
Q What name did Jannie Ballard go by in 1880 before she was married ? A She went by the name of Jennie Alberty.
Q She was always known by thatname? A Yes sir.
Q Never known by any other name? A No sir, never was known by any other name.
Q How long did she stay there after she was married?
A I coubdn't tellyou exactly how long, but she didn't stay there very long after she was married.
Q Where did she go? A She went to Okmulgee to old Fred Sever's.
Q Did she come back during that samsyear? From Okmulgee?
No sir I don't think she came back there the same year. When she & come she didn't come there in the State then.
Q How many weeks before or after she was married before she left for Okmulgee? A I don't expect it was more than - might have been seven or eight weeks, I wouldn't be certain, it was about that. Anyway I know she went to Okmulgee shortly after she was married.
Q This woman you call Gene what was her full name? A Lugene .
Q Was she the aunt of Jennie Ballard? A Yes sir she always went by the name of Lugene.
Q How much older was she than Jennie Ballard? A I couldn't tell you but she is right smart older than Jennie.
Q Was she four or five years older? A Yes, probably older than that. She was living there with the same family of Jennie Ballard?
A Yes sir, she was living there in the same family. She considered that her home. She hired out you know, but that is her originate home.
Q I am talking now about this Jennie Ballard's aunt? A Thats what I am talking ab out, she made her home, but then she was hired out like poeple does, she was hired and she worked over there for a fellow by the name of Thomasson.
Q Where was this Lugene Alberty when this woman Jennie got married?
A Let me study on it, I couldn't be positive, but it pears like to me, whether she was over in the territory at Thomasson or not I wouldn't be positive. She may have been at Thommasson's but she was over in the nation.

Q Do you know where Lugene Alberty was living when Jennie Ballard was married? A Her home was with her mother.
Q I am asking where she was living when Jennie Bilard got mattied?
A Thats is what I am trying to study for certain, but it pears like to me - I am just trying to locate her just where she was at.
Q I am asking if you know where Lugene Alberty was living when Jennie was marrie d? A Yes sir, I know what you asked?
Q Do you know? A I can't - but then I believe she was living over here in the Territory.
Q Was Lugene Alberty living with her mother Nicey Alberty at the time this woman got married? A That was her home, that was where she lived when she got married, when she wasn't working out.
Q Did Lugene Alberty stay with her mother during the time this woman was in Okmulgee? A Yes sir, she was backwards and forwards with her mother.
Q Did Jennie Ballard ever live in Arkansas? A Yes sir, she lived in Arkansas.
Q When did she live there? After she got married when did she live there? A After she got married ? After she got married she went to Okmulgee and moved back and come back and stayed in the Nation. The old man he didn't come on. He stayed quite a while, pretty near all the fall and she stopped over to her grand-mother's and stayed. Then they come on after he come and stayed in the State a while and back in the Nation a while then. She didn't make that her home, I know here, she has been backwards and forwards to the nation.
Q How long did she stay over to Okmulgee? A I guess she must have stayed over there something over a year I guess.
Q Over a year? A Yes sir, I guess she did.
Q She didn't stay any longer than that? A I don't know whether she did or not.
Q After she come back from Okmulgee, how long did she stay in the Cherokee Nation? A I guess she stayed in the Cherokee Nation after she come back from Okmulgee, I guess she stayed there seven or eight months until late in the fall over here at her grandmothers
Q She,left there the same fall she came back from Okmulgee? A She come back from Okmulgee and stayed at her grand-mother's.
Q What nation? A Cherokee Nation.
Q How long did she stay there? A I guess she must have stayed 7 or 8 months at her grand-mother's.
Q Where did she go? A She went then over there to the State.
Q What State? A Arkansas.
Q How long did she stay in Arkansas at that time? A I couldn't tell you exactly how long she did stay in Arkansas.
Q Five years? A No sir, I don't guess she stayed that long.
Q One year? A I guess longer than on e year, I couldn't tell you.
Q Your best judgment how many years she stay in Arkansas at that time? A I couldn't tell you exacly, but it was between two and three years anyway, I will say that anyway.
Q Did she have any property in the Cherokee Nation when she went to Arkansas that time? A She had some few bed clothes over there at her grand-mother's.
Q Do you know of your own knowledge that she had any property ?
A I know of my own knowledge that she had clothes there for she stayed with my wife during the time my wife was sick and I know she brought some bed clothes over there and she taken them back with her, had them hauled back. Had that kind of property there.
Q When was that? A That was along then , when she had that property there, that was before she was married you must remember.
Q After she was married did do you know of her having property in the Cherokee Nation? A After she was married?
Q Yes. A Yes sir, she had property after she was married, she had property at Tamaqua.

Q When was that? A That was during about the time before payment that come off. Had property there then before it come off.
Q What payment is that? A That was - I couldn't tell youm. That was that last payment that has been made you know.
Q What kind of property did she have? A She had bedding and some furnitue of some kind, some plunder, I couldn't tell exactly, but I know she had property of some deseri ption of that kind, but just to tell you what furniture what it was I couldn't tell you that.
Q Where does she live now? A Down here at Tahlequha.
Q How long has she been living there continuously? A To my knowing she has been at Tahlequah seven or eight years.
Q All the time during the last seven or eight years ? A I reckon, she comes over there in the State and visits or something and comes back.
Q She hasn't lived over in Arkansas during the last eight years then has she? A No sir, I don't think she did. I think if I aint mistaken for the last seven or eight years she has made her home - I know she has been as high as seven years ~~xx~~ if not longer, over here in and about Muskogee.
Q How do you know she has lived there the last seven years?
A I know she has not been in the State, been out of there and I supposed she was in the nation.
Q You are positive she has not lived in Arkansas for the last seven years? A At least I think that would be about right.Of course just to come back to the record and come up all about it I couldn't come down to the fact of it and say that for certain. Of course I know she has been anyway in Tahlequah quite a while, ever since the payment , before the payment. Before the payment come on she has been living there, and you know pretty much how long that has been. She has been living in the Nation ever since.
Q Has she ever lived in Arakaas since she ~~has been~~ married?
A Yes sir ~~she~~ since she has been married.
Q When? A She went over to Okmulgee and come back and stopped in the nation awhile at her grandmother's., and stayed there awhile and then moved to the State.
Q How long has she lived in Arkansas altogether, since she was married? A I don't believe I could tell you exactly.
Q Has she lived in Arkansas during the last ten years?
A I don't know whether she's made that her home --
I am asking you whether she has lived there during the last ten y years? A In Arkansas, made that her home?
Q No, I am asking you if she has lived there, do you know?
A I can tell you like this, ~~if she~~ after she moved off and come back to the State -- she went out to the Creek Nation and come back to the Cherokee Nation and stayed there quite awhile and then went back to the State and stayed there; then backwards and forth to her grandmother's; her home all during the time when she was working out for other people, they lived on the Creek on a little place between Mrs. Buffington's and Crittenden's on the Creek down there. I know she lived there, she has been living in the Nation pritty nigh all her life, except she may have been out maybe ten or 12 years out of the nation, maybe not so long. But she couldn't have lived in the State more than ten years at the outside.
Q Did she ever live in Arkansas for 8 or 9 years at one time ?
A As I say, she couldn't have lived in the State more than 8 or 9 years at the outside, and she didn't live there that long. She didn't stay there 9 years.
Q Did she ever live there at one time, that is what I am speaking about now? A I don't think she ever lived there that long. She might have stayed there that long.
Q Did she ever stay there that long, 8 or 9 years at one time?
A Not altogether just to say stay there and not go anywhere else. She has been there probably that time.
When did she stay there that long? A She stayed there that long after she married.

Q How long after she married? A I couldn't go on and tell you about how long.
Q Was that after she came back from Okmulgee?
A Yes sir. She come back-- and I understand, I know so, she stayed there all the time.
Q Well, did she stay there? A She stayed there and didn't go anywhere else, only back over to her grandmother's of course, just like people would go to their folks.
Q During those 8 or 9 years didn't she stay there more than she stayed any place else? A More than she did any where else?
Q Yes? You said she probably stayed there 8 or 9 years at a time after she was married. Did she stay there more than she stayed any where else?? A No, she couldn't. She didn't stay there -- you mean did she stay there in the State more than any where else, in preference to anywhere else?
Q How often have you seen her during the last ten years?
A I have seen her several times.
Q How often have you seen her, see her every year?
A At Tahlequah, every year I wouldn't say. I see her when I come to Tahlequah.
Q How often did you go to Tahlequah? A Sometimes I would be there once a year. Sometimes I wouldn't see her for a year, but then I know she was in Tahlequah, and sometimes she would come up from Tahlequah.
Q How many years has it been since she stayed in Arkansas 8 or 9 years at one time? A In Arkansas?
Q Yes? A As I say I just couldn't go and tell you how long it has been.
Q You know it is since she married? A Yes sir.

BY APPLICANT: Did you say 8 or 9 years at one time?
A No, not at one time. I couldn't say that you stayed there all the time.

BY COMMISSION TO APPLICANT: If you want to ask him any questions you may ask him now.

BY APPLICANT: No, I don't want to ask him any questions, only you are trying to make him say I was out 8 or 9 years at one time.

MR. HASTINGS: What year is this, uncle? A Lets see, I couldn't tell you.
Q You are a colored man? A Yes sir, but I'm not educated or nothing.
Q You don't know anything about dates do you? A No sir, that 's just the fact about it .
Q You don't know a thing about the year this woman was married, do you? A The year she was married?
Q Yes? A No, just to come to the facts and tell about it.
Q You know that? A No sir.
Q You don't know, do you? A No sir, I couldn't be positive just about the date.
Q You couldn't tell within 5 years of the time she married?
A No sir, just to come down to the date, I couldn't do it.
Q You don't know when her grandmother died, do you? A No, I couldn't tell.
Q You couldn't tell within 5 years, could you?
A I could if I kept account of the years .
Q Lets see if you do?
A I don't know when she died.
Q You couldn't tell within 5 years? A No sir.
Q You couldn't tell within 5 years of the time this woman married, could you? A No sir.

Q You never saw this woman keeping house separate and apart from her grandmother? In the Cherokee Nation, did you?
A Separate and apart?
Q Away from her grandmother? A No sir.
Q You did know of her keeping house in the states after she married? A Yes sir.
Q She and her husband? A Yes sir, I knowed she lived with her grandmother before that.
Q She never keep house separate and apart from her grandmother?
A No sir.
Q You did know of her keeping house over in Arkansas, didn't you? A Yes sir.
Q You couldn't tell within 3 years? A No sir, just to come down to the facts, I couldn't unless I was posted and knew all about it. You can't find many that does know all about it.
Q You don't know much about it, do you?
A All I can tell you about it that I knowed her when she lived in the nation.
Q When she lived with her grandmother? A And, no, she belonged to the Alberty's.
Q You knew her when she lived with her grandmother? A Yes sir.
Q You knew her when she worked for George Gibson? A Yes sir.
Q In the states? A Yes sir.
Q You knew her when she worked for the Harrell's, did you?
A Yes sir. No, she never worked for Harrell's, she worked for Gibson's. Eugene worked for Harrell's.
Q You thinkthis woman married as early as 1870? A 1870?
Q yes? A To come right down to the dates, of course I couldn't come right down to the dates, but of course I know when she married.
Q Which comes first, 1860 or 1870, do you know? A '70, isn't it?
Q 1870 comes first? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that a stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Sworn to and subscribed before me this 21st day of November, 1903.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Lena Hanks for enrollment as a Cherokee Freedman.

Appearances:
L. T. Brown, agent for applicant;
W. W. Hastings, of counsel for the Cherokee Nation.

Lena Hanks, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lena Hanks.
Q How old are you? A 21 years old.
Q What is your postoffice address? A Muskogee.
Q What district do you live in: you live in Muskogee? A Yes, sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Ed Hanks.
Q Is he a citizen? A No, sir.
Q What was your father's name? A Frank Blade.
Q What is your mother's name? A Jane Alberty.
Q Is she living? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir, I guess it isn't.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll I think, Lena Blade then was my name.
Q You been married more than once? A No, sir.

The 1880 authenticated roll and the 1896 census roll of Cherokee Freedmen examined and the applicant not identified on either of said rolls.

The Wallace roll examined, and the applicant identified thereon, page 99, No. 2121, Going Snake district, as Lena Blade.

Q Where were you born? A Going Snake district.
Q How long have you lived in the Cherokee Nation, or did you ever live here? A Yes, sir, I lived there when I was with my mother, when she lived there, and lived in there until I was married, and now I live in Muskogee, and when I married I lived in Tahlequah.
Q How long have you lived in Muskogee? A Four years.
Q That is in the Creek Nation? A Yes, sir.
Q Did you live in the Cherokee Nation all the time from your birth up until four years ago? A No, sir, I have lived in the state when my mother lived there, I always lived with her.
Q What state? A Just across the line from Westville, Cincinnati.
Q State of Arkansas? A Yes, sir.
Q How long did you live there? A I don't know how long.
Q You don't know how long you lived in the Cherokee Nation then? A No, sir.

By L. T. Brown: You gave your mother's name as Jane Alberty; what is her present name? A Jennie Ballard; some people call her Jennie but it is Jane.

Q When were you born? A In 1881.
Q In what year were you married? A I was married in 1897.
Q Where were you living prior to your marriage? A Tahlequah.
Q In the Cherokee Nation? A Yes, sir.
Q Is your mother the Jane or Jennie Ballard who has been listed for enrollment? A Yes, sir.

Mr. Hastings: How long did you live in Tahlequah in 1897? A Two or three years, three or four, I don't know just how long.

Q Well, think it up and tell us? A I don't know whether I can tell it or not, I don't know just how long I lived there.
Q Well, who were you living with? A I was living with mama.
Q And she was living there in 1897, was she? A Yes sir.

Q That is when you married? A Yes, sir, I married here in Gibson in 1897, but my home was in Tahlequah.
Q Well but where was your mother actually then? A She was here at Gibson then, but her home was in Tahlequah, she was living in Tahlequah.
Q She had come from Tahlequah a few days before? A Yes, sir, here to Gibson.
Q And how long had she been staying continuously in Tahlequah?
A I don't know how long she had been there.
Q About how long? A Three or four years, I don't know just how long.
Q Where did she come from? A From Cincinnati.
Q Cincinnati, Arkansas? A Yes, sir.
Q Where was she during the Kern-Clifton enrollment in 1896? A At Tahlequah in 1896.
Q How long had she been there then? A I don't know how long she been there.
Q How long had she been there before the Kern-Clifton enrollment?
A I don't know, sir.
Q About how long? A I don't know, sir, I don't know, I never was at the enrollment, and don't know anything about it.
Q You know what that was made? A No, sir, I know there was an enrollment in 1896, I don't know what enrollment it was because I wasn't there, my mother always enrolled me, this is the first time I have ever had to come before the Court to be enrolled.
Q Well, when you were first old enough to remember, where were you living? A I was living in Going Snake district.
Q How far from Jack Alberty's? A I guess about a quarter of a mile, I can't remember very much about it because I was small.
Q You left there before you were old enough to remember much about it? A Yes, sir.
Q And then you went from there to Arkansas? A No, sir, I went to Okmulgee.
Q How long did you live at Okmulgee? A I don't know.
Q Forty years? A I don't guess I did, I am not that old.
Q Well, I want something in the neighborhood: were you there six months or two years, or how long? A I don't know, sir, might have been two years or six months or three years, I was small, I don't know.
Q Then you went from Okmulgee where? A Came back to Going Snake.
Q Where did you go from ~~Sakagahuka~~ to Arkansas? A I don't know what year, we moved ~~down~~ there when we came back from Okmulgee.
Q You don't know how old you were? A No, sir.
Q You know how long you lived in Arkansas? A No, sir.
Q Don't have any idea? A No, sir, all thedates I know, how long I lived in Muskogee.
Q That is all you know about dates? A About how long I lived, because I just moved.
Q And these other dates you just been guessing at; that about the truth of it? A I am not guessing at all, I told you I don't know how long it was.
Q When you stated anything you just guessed at it? A (No response)

Commission: Did you draw what is known as the strip money? A We drew on the Wallace roll I guess, $18.50.
Q You didn't draw them this strip money? A No, sir, just this 'ge money we didn't draw that.
Q Did you try to? A I don't know, my name went to be enrolled.
Q Do you know whether she got the money or not? A No, sir, she didn't get it.

L. T. Brown: From your birth up until the time of your marriage in 1897, with whom did you live? A I lived with mama.

L. T. Brown: I would like ~~[illegible]~~ to have the testimony taken in the matter of the application of Jane, or

FOLDER

Jennie Ballard made a part of the testimony in her case, the applicant being a child of Jennie Ballard.

Commissioner Tams Bixby applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She is duly identified upon the Wallace roll according to page and number of the roll as indicated in the testimony. She avers that she is the child of Jane or Jennie Ballard, who is listed for enrollment on D card No. 659. A copy of the testimony in the case of Jane Ballard will be made part of the record in the case at bar, and she will be listed for enrollment as a Cherokee Freedman upon a doubtful card.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of September, 1901.

M D Green
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jane Alberty et al., as Cherokee Freedmen, consolidating the applications of:

Jane Alberty	Cherokee Freedmen D 1034
Maud Garrett	Cherokee Freedmen D 1170
Jennie Ballard et al	Cherokee Freedmen D 659
Lena Banks	Cherokee Freedmen D 1046

O P I N I O N.

The record herein shows that applications for enrollment as Cherokee freedmen, were made to this Commission by, Jane Alberty for herself; by Maud Stuart for Maud Duffington, now Maud Garrett; by Jennie Ballard for herself and her minor children, Malcolm, Jeff, Olivey and Anna Ballard; by Lena Banks for herself.

The evidence shows that Jane Alberty and Maud Garrett are Cherokee freedmen, and are identified on the Cherokee authenticated roll of 1880; that Jennie Ballard was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but was brought back to said nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Cass Hitchcock, trustee, &c., vs Cherokee Nation et al., for the benefit of freedmen of the Cherokee Nation; that Malcolm, Jeff, [illegible] Ballard and Lena Banks are her children, or [illegible]

The evidence further shows that [illegible] Nation [illegible] prior [illegible] enrollment in 1880; that [illegible] and lived in the [illegible] and [illegible] the application of [illegible] Jennie Ballard, since her return to the [illegible] Nation as freedmen, [illegible] the [illegible] Cherokee Nation and Indian territory, [illegible] of [illegible]

government around or during said absence. Her minor children, deriving their rights through their said mother, their residence in the Cherokee Nation and Indian Territory is considered as being established therein; that Lena Hanks, the adult daughter of Jennie Ballard, was born in the Cherokee Nation, and her only residence aside and apart from said Nation and Indian Territory, was during her mother's guardianship when she lived with her said mother, who was a temporary resident of the State of Arkansas, and her mother's residence, as hereinbefore shown, extends to her daughter, Lena Hanks.

It is further shown that said Lena Hanks was born in 1881 and was married in 1897, since which latter time she has been a continuous resident of the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that Jane Gilbert, Maud Garrett, Jennie Ballard, Malcolm Ballard, Jeff Ballard, Spivey Ballard, Anna Ballard and Lena Hanks should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 2, 1906 (30 Stats., 430), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. [illegible] Ad[illegible]ety,
[illegible]nskogee, I. T.
C[illegible]-F-T-1034.
Registor.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

11054

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-1034.

Muskogee, Indian Territory, October 17, 1903.

Jane Alberty,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to your enrollment in 1880.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1084 et al.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Jane Alberty et al., granting the applications for the enrollment of Jane Alberty, Maud Garrett, Jennie, Malcolm, Jeff, Spivey and Anna Ballard and Lena Hanks as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-24.

Chairman.

Cherokee Freedmen
D-1034.

Muskogee, Indian Territory, May 10, 1904.

Jane Alberty,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Register

Enc. D-50.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKENRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
C F 1344

Muskogee, Indian Territory, December 8, 1904.

Jane Alberty,

Muskogee, I. T.

Dear Madam:

You are hereby advised that the name of yourself

appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904.

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

REGISTERED

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, I.T.
DEC 8
7 — 1901

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

RETURN TO WRITER

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

NOV 13 3 PM 1902

Jane Alberty,

Muskogee, Indian Territory.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

REGISTERED MAR 26 1902 MUSKOGEE IND TER

[illegible],

Muskogee, Indian Territory.

Cmer Fr 1345

Continued on page 7.

Subscribed and sworn to before me this 23rd day of June, 1921.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10, 1901.

In the matter of the application of Jennie Ballard for the enrollment of herself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your name? A Jennie Ballard.
Q How old are you? A I am going on 42.
Q What is your post-office? A Tahlequah.
Q In what district do you live? A I live in Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir.
Q Have you any children you want to apply for? A Yes sir, I have four.
Q Are these all under 21 years of age? A These four are yes sir.
Q Are they all unmarried? A Yes sir.
Q Are they all living with you now? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation and lived in and out all my life.
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes sir.
Q To whom did you belong? A Alberty's.
Q What Albertys? A Old Johnny Alberty.
Q Give me the name of your father? A I don't know my father.
Q Give me the name of your mother? A My mother was Martha Alberty.
Q Is your mother alive? A No sir, she died when I was a small child
Q She died during the war? A Yes sir.
Q Where did she die? A I don't hardly know. She didn't die in the Cherokee Nation; her master taken her off south; she died down south somewhere.
Q Down in Texas? A Yes sir, in the Choctaw Nation, I believe I have heard grandmother say.
Q Was she a slave of old John Alberty? A Yes sir.
Q Was he a recognized and well known citizen of the Cherokee Nation? A Yes sir.
Q Where were you during the war? A I was with my mother until her death, and she was with her boss in Texas or down south somewhere; my grandmother always said it was down south, I don't remember much about it.
Q You were too little? A Yes sir, small child.
Q Are you on the roll of 1880? A Yes sir, with my grandmother.
Q What is the name of your grandmother? A Nicey Alberty.
Q Is she dead? A Yes sir, she is dead.
Q How long has she been dead? A Oh I don't just remember; she has been dead a good while.
Q Fifteen years? A Yes sir, near about that, I don't remember just exactly when she died.
Q Who brought you up after your mother's death, who had charge of you in your child-hood? A Mr. Jack Alberty.
Q I mean after the war? A Well her boss that taken her off brought her back and she [illegible] brought me back with her; my mother died in Texas and I fell to my grandmother; she came back with her boss and they brought me back too.
Q Wasn't John Alberty her master? A Yes sir.
Q And you came back after the war with them? A Yes sir.
Q How many times have you been married? A Only once.
Q To whom were you married? A John Ballard
Q What is he, Cherokee Freedman or a state man? A He was a state man.
Q Is he dead or alive? A He is living.
Q Are you living with him? A No sir.
Q When did you marry him? A Near 21 years since we were married

Q Where did you marry him? A In Goingsnake District.
Q In the Cherokee Nation? A Yes sir.
Q How long did you and he live together? A About 14 years.
Q You say you have lived in the Cherokee Nation, in and out?
A Yes sir, all my life, about two miles and a half from the line; five miles is the furtherest I have ever been from the line since I was born, to live only I was in the Nation, I have lived in the State, worked over there.
Q In what state ? A There I mean over in the sate, I lived in Washington, worked there a great deal.
Q What Washington? A Washington County, Cincinnati.
Q Arkansas? A Yes sir.
Q Where are you living at this time ? A In Tahlequah.
Q How long have you been living there? A About nine months now since I come back this last time.
Q Where did you come from to Tahlequah nine months ago? A Cincinnati, Arkansas.
Q When had you been to Tahlequah before that to live, or any other place in the Nation? A How long had you been living over there just across the Arkansas line? A Little over two years; I went back to Cincinnati after the payment.
Q How long after the payment did you go back to Cincinnati? A I don't just remember.
Q Was it two or three months? A Oh no sir, longer than that, nine or ten months.
Q Did you live there until you came to Tahlequah at this time?
A Yes sir.
Q How long before the payment was it that you came to the Cherokee Nation? A I don't remember just how long it was.
Q Was it two or three months? A It was a year or such a matter.
Q Before the payment? A Yes sir.
Q Where did you come from? A Come from Cincinnati.
Q How long had you been living there at Cincinnati? A About eight or nine years, between times. I were out on a rack in the Creek Nation, worked during the time.
Q How long had you been at Cincinnati before you came back here some thing like a year before the payment? A Oh I expect about eight or nine years; about eight years I guess, somewhere along there.
Q Before you went to Cincinnati at that time, which was about ten years before the payment, nine or ten years before the Strip payment, where had you lived? A In Goingsnake, right near the line, right where I was born and raised.
Q Was that the first time you had ever been to Cincinnati? A That was the first time I had been to Cincinnati, but I had always mostly worked across the line since I was a small child; just worked by the week, my grandmother wasn't able to take care of me.
Q How far did your grandmother live from the Arkansas line? A The folks she lived with, the line passed, was right at the corner of the porch; most I ever lived was a mile one way and two miles the other and then it was a mile to Westville, to the Depot, to Cincinnati.
Q You say your husband was a state man? A Yes sir, he was born and raised in Arkansas; he didn't belong to the Territory, he was born and raised right there in about two miles of where I was born.
Q Did he farm over on the Arkansas side? A Yes sir, he belonged to Tom Ballard.
Q Before you married him had you lived outside of the Cherokee Nation? A No sir, I lived with my grandmother, only when I worked out, my home was out at widow Buffington's in the Cherokee nation, between Mr. Jack Alberty's and old Mrs. Buffingtons.
Q After you married your husband did you go over into Arkansas with him? A Yes sir, some time afterwards, after my grandmother's death we went out; he lived in the Territory first one place and another, and I went over to Cincinnati and he went to Ft. Smith.

Jennie Ballard et al's

Q How long after you married was it before you and your husband went over to Arkansas to live?A Oh I don't remember.
Q How long did you and he live together over there? A About fourteen years we lived together after we was married, but we didn't live over there all the time.
Q I am asking you how long you lived together over there? A Couple of years.
Q And then you parted? A Yes sir.
Q And he went down to Pt. Smith?A No sir, we was parted but while he was working at Ft. Smith we was parted, when he was working at Ft.Smith I was staying taking care of the children.
Q You are on the 1880 roll?A Yes sir.
Q Under what name? A Jane Alberty, with my brother, Jeff Alberty, and my grandmother, Nicey.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified thereon as follows:
page 406 #23 Jane Alberty, Goingsnake Dist, adopted colored;

Q Your brother and grandmother are both dead? A Yes sir.

1896 census roll of citizens of the Cherokee nation examined and applicant not identified thereon.

Q Did you draw Strip money? A Yes sir.

Keen-Clifton pay roll of citizens of the Cherokee nation examined and applicant not identified thereon.

Q Give me the names of these four children that you apply for?
A Malcolm Ballard.
Q How old is this child? A He is 20 years old.
Q Now the next child? A Jeff Ballard.
Q How old is Jeff? A 18.
Q Now the next child? A 17.
Q Give me the name? A Spivey Ballard.
Q How old is Spivey? A 16.
Q Now give me the next one to Spivey?A 15.
Q What is the name? A Anna Ballard.
Q Did you draw Strip money for these children? A No sir, I did at the Wallace payment, but I didn't get any money for them at this payment.
Q That is the Strip payment?A No sir.
Q Where was Malcolm born?A, In Goingsnake District.
Q Where was Jeff born? A In Goingsnake.
Q Where was Spivey born? A He was born in Washington County, Arkansas.
Q Where was Anna born? A She was born in Washington County, Ark.

1896 census roll of citizens of the Cherokee nation examined for these children and names not found thereon;
Keen-Clifton pay roll of citizens of the Cherokee Nation examined for these children and names not found thereon;
Wallace roll of citizens of the Cherokee nation examined and applicants identified as follows:
page 49 child Jennie Ballard, Goingsnake District;
page 49 child Malcolm Ballard, Goingsnake District.

Q Was this child Spivey over in the Cherokee Nation to live until nine months ago?A Yes sir.
Q I was just looking out over there at his birth.

Examined by Cherokee Representative, James Davenport:

Q You came to Tahl equah about how long ago? A This last time I come over about nine months ago.
Q Did you bring your family with you? A Yes sir.
Q What part of the town of Tahlequah ~~xx xxxx~~ are you living in now? A I don't know whether you would call it east or-
Q Well you know who lives near by you don't you? A I live close by old Mrs. Greeceand several Cherokee families, I lived in Chief Swimmers building.
Q When did you move in to Chief Swimmer's building, about how long ago? A 23 of February.
Q You came directly from Cincinnati, Arkansas over to Tahlequah didn't you? AYes sir.
Q Your family is now in Tahlequah? A Yes sir.
Q You had been living for some years in Cincinnati, Arkansas, before coming to Tahlequah this last time? A Yes sir.
Q Were you living in Cincinnati, Arkansas when the Wallace roll was made?A Yes sir, I hadn't been there but a short time.
Q No, but you had your family there, and came over when the Wallace roll was made, you lived in Cincinnati Arkansas when the Kern Clifton roll was made?A Yes sir.
Q And that was the reason was given you for not putting you on the roll, because you had abjured your citizenship? A They didn't tell me, they told me if I would pay them a big amount of money they would put me on the roll.
Q Mr. Kern and Mr. Clifton didn't tell you that? A No, but the others did; I always lived here and I thought this was my home, I never knew anybody else.
Q You knew these people in Arkansas didn't you? A Yes sir, I ought to know them, I worked for them.
Q Who is there here that knows you have been married and ~~xxxxx~~ ~~xxxx~~ about you ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ having lived with your grandmother? A Dan Alberty.

DANIEL ALBERTY, being sworn and examined by Com'r Breckinridge testified as follows.

Q Give me your name? A Daniel Alberty.
Q How old are you? A I am about 52 years old I guess.
Q What is your post-office? A Tahlequah.
Q Do you live in Tahlequah District? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I was born in there.
Q All your life? A Not altogether livedin the Cherokee Nation, in the Territory all my life.
Q How long have you been living continuously now in the Cherokee Nation? A You may say lived in the Cherokee Nation about 12 or 15 years.
Q Are you on the roll of 1880?A No sir, I don't think I is.
Q Do you know this applicant here? A Yes sir.
Q How long have you known her? A I have been knowing her ever since she was born.
Q What was the name of her mother?A Martha Alberty.
Q Was she a slave in the Cherokee Nation when the war broke out? A Yes sir, she was a slave under old man John Alberty.
Q Martha Alberty had been dead a long time hasn't she? A She died the year of the surrender I think. We was all together; I think that's about the year she died.
Q When her mother died who took charge of this applicant and brought her up? A Her grandmother.
Q What was her name? A Nancy Alberty.
Q Well, the applicant has been married has she? A Yes sir.
Q What is the name of the man she married? A John Ballard I think.
Q About how long ago was it she married John Ballard? A I really

couldn't tell you how long it has been since she married John Ballard, simply because she married since she got grown, I suppose it has been about 16 or 18 years ago.
Q It has been a good long time ago?A Yes sir.
Q I wasn't living near her when she got married, you know we were separated in '65 the spring of '65, the spring of '66 and her grandmother brought her back home and old man Alberty, that's my old boss' daddy, he fetched her and her grandmother and all back to the old place and left me in the Choctaw Nation with my people, my owners.
Q Have you known much about this woman since she married, have you been seeing her much? A Well for the last ten or fifteen years I reckon ten or twelve years I have seen her off and on.

Examined by Mr. Davenport:

Q You haven't been living very close to her since that time for any length of time, within the last ten or fifteen years? A No sir.
Q You have been living at Tahlequah and she has been living in Cincinnati, Arkansas?A No she has been at Tahlequah best part of her time, about twelve years I have seen her around Tahlequah, part of the time she was there and part of the time off.
Q How long at any one time have you seen her living in the town of Tahlequah within the last ten or fifteen years, how long at any one time have you known her living in or near Tahlequah within the last fifteen years? A I suppose she stayed there at a time three or four years I guess.
Q You have seen her there as much as three or four years?A I think I have.
Q As a matter of fact you don't know anything about it? A I think I does.
Q Don't you know she has not been living in Tahlequah this last time but about three months, don't you know she lived over in Cincinnati over in Arkansas since Christmas?A No sir.
Q When did she move from over there? A I don't know, but she has been staying here way before the payment, and from that she went back in there up about Going Snake or Cincinnati one or the other and there's some of her boys up here more or less , I saw her around Tahlequah there.
Q Great deal more or less than it was more wasn't it? A I don't know about that;but it was a common thing to see her.
Q You knew she has not been living in Tahlequah any length of time? A No, I can't say that.
Q Do you live in Tahlequah? A Yes sir, right in the town.
Q Do you know Nelson Lowery? A Yes sir.
Q You know Frank Pack? A I do.
Q You know W.W.Hastings?A Yes sir.
Q How long have they been living in Tahlequah? A Frank and Mr. Hastings have been living there 10 or 12 years.
Q You know exactly where they have been living, what house they have been living in? A Yes sir, living in their own houses.
Q Now what house has this woman been living in for the last three or four years?A She has been living in Thompson's house and a full-blood's house, and Sawyer's house and I don't know how many houses she has been living in.
Q In the last three years? A Last ten years, I couldn't say positively she has been always there staying all this long time.
Q Can you say positively she has lived there six months at any one time? A Yes sir.
Q Can you say she has lived there as much as a year since the Wallace roll was made, at one time? A Yes sir.
Q When did you first go to Tahlequah to live?A That was I

reckonabout 12 years ago.

Applicant, JENNIE BALLARD, re-called, and further examined, By Com'r Breckinridge:

Q Whose house are you living in now at Tahlequah? A Chief Swimmerls, a full-blood's house.
Q You have been living in that house since last February?
A Yes sir.
Q What house did you live in before you lived in Chief Swimmer's house? A Josie Shell's, by the ice factory, down on the Creek.
Q And you came to Tahlequah t is last time since September? A Yes sir, the 23rd.
Q And you have been living there since last September? A Yes sir, this time.

Com'r Breckinridge: The applicant applies for the enrollment of herself and four children, minors; the applicant is identified on the roll of 1880 and on the Wallace roll, but not upon the Kern-Clifton rollroll or the roll of 1896; it appears that she was born in the Cherokee Nation, and was taken out of the Nation south during the war; and her mother died about the time of the conclusion of the war; that she and her mother were slaves in the Cherokee Nation of a Cherokee citizen at the timeof the breaking out of the war, and that after the death of her mother she was brought up by her grandmother, now deceased; up to her enrollment in 1880 she seems to have lived continuously in the Cherokee Nation from the time of her return after the Civl War; since that time she has lived to a considerable extent in the State of Arkansas; she testifies that at the time the Wallace roll was made upon which she is found, she was living in the State of Arkansas, and that at the time the Kern-Clifton roll was made, she was living in the State of Arkansas, although in one part of her testimony she claims to have come to the Cherokee Nation prior to the making of the Kern-Clifton roll, and to have stayed some nine or ten months thereafter. Her change of name arising from marriage is established in a satisfactory manner; her husband, from whom she is now separated, is a state man, being of the State of Arkansas, and no application is made for him. The question in the applicant's case is as to whether she has abjured her citizenship since her enrollment in 1880. It will be observed that the testimony in regard to her residence given by the only witness called in her case, is directly contradicted in every essential particular by her own testimony, and it appears that her case should be considered upon the strength of her own testimony, upon which the foregoing summary of points had be made. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post-office address.

As for her four children, the eldest of the four, Malcolm Ballard, is identified on the Wallace roll, but not upon the Kern-Clifton roll or upon the roll of 1896; this child is living with his mother at this time, and will now be listed for enrollment as a Cherokee Freedman on a doubtful card. The remaining three children named in the testimony are minors and are living at this time; they are not identified upon any roll; the applicant is desired to supply the Commission with a certificate of their birth, when they will be listed with her as Cherokee Freedmen on a doubtful card, and the final decision in each of these applications will be made known

Ophie Ballard et al ?

to the applicant at her post-office address. This address is said to be now the town of [illegible]quah, where she claims to have lived for the past nine months.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 19, 1901.

Commissioner.

...CIVILIZED TRIBES
...1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 10, 1901

Post Office Tahlequah I.T.

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

1 a. Name of wife Minnie Bullard Age 42

Owner's name Citizenship

Year 1880 Page 403 No. 23 District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

2 a.	Malcolm Bullard	Year	Page 99	No. 2122	Dist. G.S.	20
3 a.	"	Year	Page	No.	Dist.	18
4 a.	"	Year	Page	No.	Dist.	16
5 a.	Anna "	Year	Page	No.	Dist.	15
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12		Year	Page	No.	Dist.	

Application made by

Stenographer

CHEROKEE FREEDMAN.

9659

IN RE

Application for Enrollment of

INFANT CHILD

Jeff Ballard

as a citizen of

CHEROKEE Nation.

Approved, JUN 12 1901 190

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 12 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Jeff Ballard (Here insert name of child) born on the 3 day of April, 1883

Name of Father: John Ballard, a citizen of the U.S. Nation.

Name of Mother: Jennie Ballard, a citizen of the Cherokee Nation.

Post-office, Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Jennie Ballard, on oath state that I am 42 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of John Ballard, who is a citizen, by ~~_____~~, of the U.S. Nation, that a male (male or female) child was born to me on the 3 day of April 1883 that said child has been named Jeff Ballard, and is now living.

Jennie her X Ballard mark

WITNESSES TO MARK

(Must be Two Witnesses) John A Rath

W. H Roberson

Subscribed and sworn to before me this 10 day of June 1901.

Louis F. Brown NOTARY PUBLIC

AFFIDAVIT OF ATTENDING ~~PHYSICIAN OR MIDWIFE~~.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Jennie Ballard, a ~~midwife~~ mother, on oath state that I ~~attended the accouchement of~~ gave birth to a child on the 3 day of April 1883; that ~~I was present at the birth~~ I was delivered of a male child (male or female) on that day; that said child is now living and is said Jeff Ballard and that ~~I attended~~ there were no other living witnesses to said birth.

Jennie her X Ballard mark

WITNESSES TO MARK

(Must be Two Witnesses) John A Rath

W. H Roberson

Subscribed and sworn to before me this 10 day of June 1901.

Louis F Brown NOTARY PUBLIC

CHEROKEE FREEDMAN.

D659

20

IN RE

Application for Enrollment of

INFANT CHILD

Spiny Ballard

as a citizen of

CHEROKEE Nation.

Approved, JUN 12 1901 190

Commissioner.

CHEROKEE TRIBES

FILED

JUN 12 1901

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Spivy Ballard (Here insert name of child), born on the 28 day of April, 1898

Name of Father: John Ballard, a citizen of the U.S. Nation.

Name of Mother: Jennie Ballard, a citizen of the Cherokee Nation.

Post-office, Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Jennie Ballard, on oath state that I am 42 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of John Ballard, who is a citizen, by ——, of the U.S. Nation, that a male child was born to me on the 28 day of April 1898; that said child has been named Spivy Ballard, and is now living.

Jennie her X mark Ballard

WITNESSES TO MARK (Must be Two Witnesses)

John A Ball

W H Patterson

Subscribed and sworn to before me this 10 day of Jan 1901.

Louis F. Brown

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, ~~OR MIDWIFE~~.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Jennie Ballard, a mother of the ~~attending physician~~ who attended the accouchement of ~~midwife~~ who attended the accouchement of the said Child (male or female) ~~child born to~~ is dead in case it is Spivy Ballard. Following witnesses to said mark

Jennie her X Ballard mark

WITNESSES TO MARK (Must be Two Witnesses)

John A Ball

W H Patterson

Subscribed and sworn to before me this 10 day of June 1901

Louis F. Brown

CHEROKEE FREEDMEN 9659

IN RE

Application for Enrollment of

INFANT CHILD

Anna Ballard

as a citizen of

CHEROKEE Nation

SEP 16 1901

Approved, 190

Commissioner.

R.B.S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 16 1901

Acting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,
of Anna Ballard (Here insert name of child) born on the 23 day of December, 1885
Name of Father: John Ballard, a citizen of the U.S. Nation.
Name of Mother: Jennie Ballard, a citizen of the Cherokee Nation.
Post-office. Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Northern Indian Territory
District.

I, Jennie Ballard, on oath state that I am 42 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of John Ballard, who is a citizen, by —, of the U.S. Nation, that a female child was born to me on the 23 day of December 1885, that said child has been named Anna Ballard, and is now living.

her
Jennie × Ballard
mark

WITNESSES TO MARK
(Must be Two Witnesses)
John Ross
W. H. Roberson

Subscribed and sworn to before me this 10 day of June 1901

Louis F Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Northern Indian Territory
District.

I, John Mbota, Physician, on oath state that I attended on Mrs. Jennie Ballard, wife of John Ballard, on the 20 day of December, 1885, that there was born to her on said date a female child; that said child is now living and is said to have been named Anna Ballard

WITNESSES TO MARK
(Must be Two Witnesses)

Subscribed and sworn to before me this — day of —, 1901

[illegible]

File Nick Jennie Bellard, C.F. D-C20.

D.C. 1014

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Jane Alberty for enrollment as a Cherokee freedman.

Jane Alberty, being duly sworn and examined by commissioner Needles, testified as follows:

Q What is your name? A Jane Alberty.
Q What is your age? A 48 years.
Q What is your postoffice address? A Muskogee.
Q What district do you live in? A Going Snake when I live in the Cherokee Nation.
Q Well, when you live in the Cherokee Nation; you must live somewhere now? A I live in Muskogee now.
Q You apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Nobody but myself.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A Yes, sir, and drawed with them.
Q Is your name on any of the rolls of the Cherokee Nation? A On the 1880 roll and on the Wallace roll.
Q Are you married? A No, sir, not now.
Q Have you ever been married? A Yes, sir.
Q What was your name before you were married? A Alberty.
Q Your name always been Alberty? A Yes, sir, gone back to Alberty again.
Q What was your father's name? A Bock.
Q What was your mother's name? A Nicey Alberty.
Q What Bock? A Uncle Jeff Bocks son.
Q Was he a citizen? A Yes, sir, he was an Indian.
Q Was your mother a slave? A Yes, sir, she was a citizen, an old settler. Jennie Bellard claims my enrollment; my name and my mother's name and my brother's name and my daughter's name is together on the 1880 roll, it ought to be, Nicey and Jane and Jeff, and the Cherokees calls them by Duffington on the roll, and that is the name Jennie is trying to claim and it is 48 years old I am, it is on the roll that way, enrolled in Going Snake district, it is the only family there was there. She never was enrolled in 1880, she wasn't here in 1880, she never got back here in time only to get on the Wallace roll: she wasn't here in 1880.

Mr. Hastings: How old did you say you were? A I say it is on the roll 48 years of age.
Q I say how old are you? A I guess if they say my age I am 48.
Q That is what I am trying to find out; do you know how old you are? A Yes, I guess 48, said to be anyway, that is what I have always been told that.

Commissioner: There appears to be a Nancy on the roll of 1880, of John Alberty. She applied to be enrolled as Jane or Jennie Bellard, she asserting that she was married to one John Bellard: do you know this person? A She is a niece of mine.
Q How old is she? A I don't know, I don't know what her age is.
Q Your mother's name you say was Nicey: is Nicey living? A No, sir.
Q Have you any children? A One.
Q What is the child's name? A Lewis.
Q You apply to have her enrolled? A No, sir, she is going to attend to her own business: she is married and with a family: she will have to enroll for herself: she will soon be 20 years of age.
Q Do you know one Jeff Alberty? A Yes, sir.
Q What relation is he to you? A He is a nephew of mine.
Q Who was the mother of Jennie Bellard? A Martha Alberty, my sister, the eldest one.
Q Is Martha Alberty living? A No, sir, she is dead.

Q Was her name on the roll of 1880, do you know? A No, sir, I don't know; I don't think she was enrolled, she died time of the war.

Mr. Hastings: By what name did Jane Ballard go before the was married? A Jennie Alberty I guess; her father was a Harrold.

Q Well, did she live with you? A No, sir, she didn't live with me.

Q Where did she live? A She stayed with my mother, her grandmother until she got big enough to work for herself, and then she hired out until she was married.

Q What was her grandmother's name? A Missy Alberty.

Q That was your mother? A Yes, sir.

Q Did you live with your mother? A After I was big enough to work and attend to business for myself I didn't live with her.

Commissioner: Jeff Alberty isn't your brother? A He is her brother, a brother of mine.

Mr. Hastings: Did this Jennie ever come back with you?

A No, sir, She didn't come back with me.

Q After the war? A No, sir, I didn't come with my mother, I came with Mrs. Bettie Eaton.

Q You never lived with your mother after the war? A I lived with her a year or two years after the war; I always stayed at Mrs. Eaton's most of the time.

Q Were you living with your mother in 1880; you would be 26 or 7 years of age? A In 1880 I was living with her.

Q You were? A Yes, I guess I was, I would go away and stay a while and come home and stay a while, I would stay with Mrs. Eaton and go home and I stayed with Mrs. Harrold a while, I didn't stay at home all the time because my mother had two or three children of her own and had two grandchildren, and she put me out when I was small because she couldn't take care of all of them.

Commissioner: You know who enrolled you in 1880? A I think Tuck Alberty and George Reese, if I am not mistaken, I don't know who had me enrolled, I think the old folks had me enrolled.

Q What old folks; was your mother enrolled in 1880? A Yes, sir, she was living: I don't know whether it was her or Mrs. Eaton had me enrolled.

Q You never went by any other name but Alberty until you married?

A No, sir.

Q Never went by the name of Eaton? A No, sir, I didn't go by the name of Eaton.

Q Do you know Jane Eaton? A I think that is Deb Eaton, she lives at Vian now.

Q Have you any witnesses know anything about you? A From my birth on up?

Q Who knew whether you are the Jane Alberty that is on the roll of 1880? A I guess Mr. J. W. Alberty will know.

J. W. ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is J. W. Alberty? A Yes, sir.

Q What is your age? A I am 67 years old.

Q You are a Cherokee by blood? A Yes, sir.

Q What is your postoffice? A Westville.

Q Please relate now to the Commission what you may know as to Jane Alberty, the applicant here, and Jennie Alberty. A I will make a statement of the facts: in the spring of '66 my father came back here and made a request he brought her mother.

Q Whose mother? A Her mother.

Q The applicant's mother? A Yes; and them two children, that Jennie Ballard and Jeff, her grandchildren, he brought them back in the spring of '67, and she stayed back with my mother until

we came here in November, '66.

Q The applicant here? A Yes, she came here when we did in November, '66.

Q She has been living here since that time? A Well, she has been here I reckon about (illegible), she lived up there until after '80 neighbor to me.

Q Do you know Jennie, or Jane Ballard? A Well, she is the one I was telling you he went after in the spring of '66, but after she stayed here a few days why she went to Harrolds and stayed and has been out ever since.

Q Where is Harrolds? A He lived in the state.

Q What state? A State of Arkansas.

Q That is Jennie Ballard? A That is Jennie Ballard, went to Harrolds and stayed there until she married.

Q And has been living there ever since? A Yes, sir.

Q That is in the State of Arkansas? A Yes, sir, and this one lived right there up until about '85 or '90, her mother died there I reckon must have been in '94, and then she came back down here.

Q Well, there appears to be on the 1880 roll one Jane Alberty.

A Well, this is the person.

Q The applicant is that person? A Yes, sir.

Q What makes you think that this woman, the applicant, is the Jane Alberty on the roll of 1880, instead of the Jane Alberty who is now married to one Ballard? A Well, this one lived right there by me, in about a quarter of a mile of me when the census of 1880 was taken, and the other one lived at George Gibson's in the state.

Q In the state of Arkansas? A Yes, sir, I know them both well because my mother raised them.

Q Well, did you know Nicey Alberty? A Yes, sir.

Q Who was she? A She was the mother of this one, and the grandmother of Jennie Ballard.

Q Do you know Jeff Alberty? A Yes, sir.

Q Who was he? A He was a brother of this Jennie Ballard, and their mother died on Red River, they were just children when we brought them back in '66; Jeff is dead, and he was born about the time of the war, he was called after the great man, Jeff Davis.

The 1880 authenticated roll of Cherokee Freedmen examined, and opposite the name of Nicey, Jane and Jeff Alberty on said roll appears following note: "Adopted by treaty of 1866. Afterwards removed out and is back in the Nation and claims that she lived here first when she went out of the Nation;" Going Snake District, page 403.

Q There are two more of the same family down here somewhere, there is Bell West, and then he has got a sister that was married to Tom Waite, they were all brought back at the same time, we brought them back.

Q That a sister of this applicant? A Yes, sir, a sister and a brother, they calls themselves though West; Millie is married a darkey by the name of Tom Waite, and they have been writing to me.

Q This applicant was never known by any other name than Alberty?

A No, sir.

Q She was never known by the name of West? A No, sir; these taken their name from their father.

Q Well, your opinion is that the Jennie Ballard who claims to be on the roll as Jane Alberty couldn't have been correct, she wasn't entitled, in your opinion, to be enrolled in 1880? A No, she was living out of the state, there was another that married in the state and she don't appear on my roll, she never made any application at all, of the same family; two went out in the state.

Mr. Hastings: You knew this woman lived in the Cherokee Nation continuously after her return up until 1880? A Well, I guess so, I have never seen her since she left there until this time.

Q I mean up to 1880? A Oh yes, she lived there, they had a

little house and she worked backwards and forwards like people did for something to eat, she worked over in the state a month or so and back again, her mother lived right there and she lived with her: of course they had to work for something to eat.

Q How about Jennie Ballard? A She never stayed on this side at all.

Q Not long after she returned after the war until she went over in the State; Jennie Ballard? A Well, it was only about two or three weeks after we returned here; now she returned in the spring.

Q I mean ~~[illegible]~~ after the fall? A Yes, after the fall.

Q Well, in the fall of '65 she went over in Arkansas? A Yes, sir.

Q And she has lived there ever since? A Ever since, yes, sir.

Q She married over there? A Yes, she married this John Ballard over there and has been living there, first one place and another.

Q Well, you have known her ever since? A Known her, oh yes, I have known her ever since.

Q How far do you live from Cincinnati? A About four miles.

Q You live on this side? A Yes; what bothers us, we always called her Jean, and it is down there different.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Jane Alberty found thereon, page 405, No. 23, Going Snake district.

The 1896 census roll of Cherokee Freedmen examined and the name of Jane Alberty not found thereon.

JANE ALBERTY, recalled, testified as follows:

Mr. Hastings: Did you enroll five years ago? A I was enrolled here five years ago.

Commissioner: Did you draw your strip money? A I guess I did, I was enrolled.

Q Did you draw your strip money? A No, sir.

Q Why? A This woman came between us and claimed the money and they said they wouldn't pay it to either one: they investigated and said they wouldn't pay it to either one until it was settled, and that gentleman said I would have to find someone who knew me from my birth, and I was going to write him back, and they said it was no use, they wouldn't pay it to either one: they said I would have to write to the Secretary of the Interior.

Q What did the Secretary of the Interior write to you? A He wrote me to present it to the Dawes Commissioners and when I presented the returns I would present the letter.

Q Wanted you to appear before the Dawes Commission? A Yes, sir, and I never did it.

Q Have you any other witnesses besides Mr. Alberty here? A No, sir.

Mr. Hastings: Was Maude married in 1896? A Maude was married in 1898.

Commissioner: Did she get any strip money? A She has got two children.

Q Did she get her strip money? A No, sir, she didn't get any strip money.

Q Did she ever apply here to be enrolled here? A No, sir, she said she was going to apply to the Council to withdraw from the Cherokee Nation, she hasn't been before them and said she wasn't coming.

The Kern-Clifton roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw what is known as the Wallace money? A Yes, sir.

Q Is your name in the Wallace roll? A Yes, sir, I drew the Wallace money.

The Wallace roll examined and the applicant identified thereon page 22, No. 693, Going Snake district.

Q You are living now in Muskogee in the Creek Nation? A Yes, sir.

-2-

Q How long have you lived there? A 10 years, that is the longest I have lived out of the Cherokee Nation since I came back.

Q Are you married? A No, sir.

Q Have you any property in the Cherokee Nation? A No, sir, I haven't none this time, that is improved.

Q Why do you live in Muskogee instead of the Cherokee Nation? A I had to make a living, and I thought I had just as well work there; I work for Mr. Blankstone in Muskogee.

Commissioner: Jane Alberty applies for the enrollment of herself. She avers that her name appears upon the authenticated roll of 1880, and on said roll is found the name of Jane Alberty according to page and number of the roll as indicated in the testimony. Her name is also found and she is fully identified upon the Wallace roll, according to page and number of the roll as indicated in the testimony. She avers that she was a slave, and returned to the Cherokee Nation in the year 1866, and has lived in the Cherokee Nation until about ten years ago, [redacted] and that she now resides in Muskogee in the Creek Nation. Upon an examintion of the records of the Commission, it is found that one Jennie Ballard applied to be enrolled as a Cherokee Freedman, and claimed that her name before her marriage was Jennie Alberty, and that she was the identical Jane Alberty found upon the said roll under the same Name and number on the roll as the applicant. There appears to be a question of identity as to whether the applicant, Jane Alberty, or Jennie Ballard, nee Alberty, is the person whose name appears upon the authenticated roll of 1880. From the testimony it would appear that the applicant is the identical person, and if so, the only question as to her enrollment would be the matter of residence. The evidence presented to-day would indicate that the Jennie Ballard, nee Alberty, who applied for enrollment and has been listed on D card 659, is a non resident, and has no rights to citizenship for herself or her four children. The testimony taken in the matter of the present application will be made part of the record in the case of the applicant, Jennie Ballard, and her found children, on D card 659, and will be filed therewith. The testimony taken in the matter of the application of Jennie Ballard on D card 659 will be made part of the record in the case at bar, and a copy thereof filed herewith. The said Jane Alberty will be listed for enrollment as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. It appears that the only fact to be determined by the Commission is as to the identity of the applicant, which now appears to be fully established.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Bruce Jones

Sworn to and subscribed before me this the 6th of September, 1901.

W M Green
Notary Public

Commission

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 12 1901

ACTING CHAIRMAN.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Sept 12, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Jessie Ballard et al for enrollment as Freedmen of the Cherokee Nation.

Louis T. Brown
Agent for applicants

No. F.D. 1-59.

DEPARTMENT OF THE
COMMISSION TO THE FI

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Dupl. C.J.-D.#689.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JENNIE BALLARD as a Cherokee Freedman:

APPEARANCES:

Applicant present in person and by Agent, Louis T. Brown.

W. W. Hastings, present for Cherokee Nation.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and protests against the taking of the testimony of the applicant, Jennie Ballard for the reason that she took the stand in her own case when her application was made and every point was gone into thoroughly in her case and no new points were brought out by the Cherokee Nation in the testimony introduced in the Jane Alberty case and made a part of the record in her case, and therefore it is not competent to introduce any rebuttal testimony except where new points have been brought out, and then rebuttal testimony must be confined to the new point bourht out by the defendant.

Commissioner Needles: Objection overruled and testimony will be taken.

JANE BALLARD, being duly sworn by Commissioner Needles, testified as follows: By Mr. Brown:

Q State your name. A Jane Ballard.
Q What is your age? A I don't know my age.
Q What is your residence? A Tahlequah.
Q What was your name before you married? A Jane Alberty.
Q Your grandmother's name? A Nicey Alberty.
Q What was your brother's name? A Jeff Alberty.
Q Do you remember when the 1880 roll was made? A Yes, sir.
Q Where were you living at that time? A Near Jack Alberty's in a little cabin.
Q In what district? A Goingsnake.
Q Cerokee Nation? A Yes, sir.
Q Did the census takers come to your house or not? A Yes, sir.
Q Did they enroll you? A Yes, sir.
Q With whom? A My grandmother and my brother.
Q What did you say your brother's name was? A Jeff Alberty.
Q With whom did you live Mrs. Ballard, from the time you returned here until you married?

Mr. Hastings: Question objected to by representative of the Cherokee Nation upon the ground that the Agent for the applicant explained to the Commission that it was not the residence but identification upon the 1880 roll was which he desired to introduce the applicant; and that the question of residence was thoroughly gone into when the applicant made her original application, and that this is certainly not rebuttal testimony against any new matter brought out by the Cherokee Nation.

Commissioner Needles: This matter of her residence has been all gone into; we have of her testimony on that.

Q When you applied to be enrolled by Mr. Wallace who was your witness? A Jack Alberty, Silas Harlan, you will find it on record.
Q Do you know a woman who is now going by the name of Jane Alberty and who claims to be an aunt of yours? A Yes, sir, I do.
Q How long have you known her? A Ever since I could remember I have known my aunt.
Q I will ask you to state whether or not she has ever gone by the

name of Jane Alberty

Jane? A Not that I know of.
Q You have known her all her life? A Gene was always her name.
Mr. Hastings: Who took the census in 1880?
A Tuck Alberty and George Reese.
Q What time of the year was it they enrolled you?
A I don't remember I think it was in the spring, as well as I can remember.
Q Were you married then? A No, sir, I married shortly afterwards.
Q What time of the day did they come to your house?
A I think it was right about noon as well as I remember.
Q Is there any circumstance by which you remember the fact that they came to your house? A Yes, sir, I do; my brother was working out and my grandmother notified him to come home and be enrolled; he was working about a mile and a half from home; she wanted to enroll him, he and I/
Q Did she notify you? A I was at home.
Q Where was your aunt Gene? A I don't know, sir, perhaps she might have been at home and perhaps she might have been gone.
Q You don't remember that? A It seems to me that she was there, I don't remember.
Q Where were you when they took the census in '83? A I don't know that; I guess I was in the Creek Nation.
Q Did you know who took them in '83? A No, sir I don't.
Q Who took the census in '86 A I don't know that either.
Q Who took them in '91? A I don't know, sir.
Q Who took them in '93? A I don't know that.
Q You don't know what time in the year, you are not positive what time of the year, these gentlemen took them in 1880? A No, sir, I think it was in the spring of the year though.
Q Do you remember any question they asked your grandmother?
A Yes, sir, they took our names an ages.
Q Jeff come back to the house did he? A Yes, sir, and was enrolled.
Q And you think Tuck Alberty was one of them? A Yes, sir.
Q What relation is Tuck Alberty to this man Jack Alberty?
A His nephew.
Q How far from Jack Alberty were you living at that time?
A Quarter of a mile.
Q And that is the same man that testified? A Yes, sir.
COM'R KENDRICK: You say your name is Jane Ballard? A Yes, sir.
Q You gave your name in when you enrolled as Jennie Ballard?
A That is my name.
Q Your name is Jane? A Jane; great many calls me Jennie and great many calls me Jane.
Q Did you ever call yourself Jennie? A Yes, sir, sometime I do; Mr [illegible] testified and had me enrolled on the Wallace roll after my grandmother died; just whatever he give my age that is my age. He I never enrolled myself until '96. He testified for me after my grandmother's death.
Q Are you the same person that was enrolled as Jennie Ballard on the 10th day of June, 1901, at Chelsea? A Yes, sir.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 14th, 1901.

mb

Commissioner.

Enclosed are copies of notes we took during the hearing held in Boise, Idaho, on September 7, 1937, before the Commissioner of Indian Affairs and the Assistant Solicitor of the Department of the Interior.

Respectfully,

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 23
ACTING CHAIRMAN

To be filed with case of Jennie Ballard, C. N. B.#669.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jane Alberty as a Cherokee Freedman:

APPEARANCES:
Applicant present by Louis T. Brown, Agent;
W. W. Hastings, attorney for Cherokee Nation:

J. W. ALBERTY, recalled for additional cross-examination, being duly sworn by Commissioner Needles, testified as follows:
BY MR. BROWN: State your name, Mr. Alberty? A J. W. Alberty.
Q Your age? A 67 years old.
Q What is your residence? A Goingsnake district, Westville, I.T., post office.
Q You are the same J. W. Alberty that testified in the Jane Alberty case the other day? A Yes, sir.
Q Mr. Alberty, in your testimony you testified that Jennie Ballard came back to the Cherokee Nation in the year 1866 and left there a few weeks afterwards and has never lived in the CherokeeNation since?
A No, she never has been a citizen of the Cherokee Nation since.
Q Well, now, has she ever lived in the Cherokee Nation since?
A Well, no, not of my recollection.
Q When did you see her after she left Goingsnake district in 1866 the next time? A I saw her frequently, she just lived over across the line at Heralds and Gibson's.
Q How long did she continue to live up in that nieghborhood after 1866? A She lived up there until she married.
Q About how long is that? A I could not exactly state; she lived there ever since only for a short time she went to Okmulgee and stayed out there a while and she is still living there the last time I knew of her, she lived there.
Q How long has it been since you knew of her last?
A I haven't saw her for 12 months or over.
Q Then she has continued to live in the neighborhood of George Gibson and Heralds from 1866? A No, sir, she went to Cimcinnatti and lived there a short space of while and went to Okmulgee.
Q Then you knew of her whereabouts from 1866 until about 12 months ago? A Well, Yes.
Q And you are positive of your statement she has not lived in the Cherokee nation since that time? A Yes, sir.
Q You are just as positive about that as other matter you have testified to? A Yes, sir.
Q Did Jane Alberty ever have a brother by the name of Jeff?
A Yes, sir.
Q Jennie Ballard have a brother A She was Jane Alberty, the other one was Gene Alberty; she was Jane Alberty and the other one was Gene, we called her Gene; she has no brother except that fellow that was in here the other day, Bill.
Q Then she didn't have a brother by the name of Jeff?
A No, sir.
Q Was Jane, or gene Alberty, ever married? A No, sir.
Q Never was? A No.
Q Now, then, did Jane Alberty, or Gene Alberty as you call her, continue to live with a grandmother, Nicey Alberty? A No, didn't give it that way, she lived with her mother; Nicey Alberty was her mother.
Q They were living in the Cherokee Nation all the time?
A Well, no, they didn't live all the time; they had a little house, residence, close to mine; they worked out some, sometimes in the State and sometimes in the Nation, the bigger part of the time in the Nation; they kept a little house there.
Q Now, then, when Jennie Ballard was working for George Gibson where

was Nicey Alberty? A She lived in a little house right there by me.
Q Mr. Alberty, do you remember the circumstance of the making of a roll of freedmen by Mr. J. W. Wallace? A Yes, sir.
Q I will ask you to state if you were not a witness at that time for Jennie Ballard? A I was not.
Q And if you didn't testify in that matter of her application before Mr. Wallace that Jennie Ballard was living within a mile or mile and a half of your residence in Goingsnake district?
A No, sir, I didn't; it was in a mile or mile and a half of my residence but she was in the State.
Q Don't you know as a matter of fact that Jennie Ballard lived with her grandmother, Nicey Alberty, up to within a year or two before she was married? A No, sir.
Q They built a little house up there somewheres? A Yes, sir.
Q In what year was that? A I could not exactly tell, it was along about '69 or '70; it might have been up as near as '71 or 2 though; they asked my permission to built up there and I granted it.
Q Where was Jennie Ballard then? A She was at Mr. Gibson's.
Q Didn't she help built that house? A No, sir.
Q She didn't? A No, sir.
Q About what time did Jane Alberty leave Goingsnake district?
A Jane Alberty or Gene?
Q Yes, Sir? A She must have left there in about '85 or 6.
Q From the time she left there in '86 did you see her any more until this other day? A I saw her once after that at Tahlequah?
Q You didn't know where she has lived from '85 up to the present date? A No, sir; her statement will show that.
Q Did the Jane Alberty for whom you testified the other day ever go by that name until she came here to be enrolled?
A Well, she always went by Gene; we called her Gene, and she went by that ever since she was a child.
Q What name did Jennie Ballard ever go by? A Jennie.
Q Was she ever called Jane? A No, sir.
Q You are positive of that? A Yes, sir.
Q So you now state that you didn't testify for Jennie Ballard before Mr? Wallace? A No, sir, I did not.
Q Mr. Alberty, didn't the grandmother of Jennie Ballard here, wh was named Nicey Alberty, have a little house close to Mr. Gibson's?
A She stayed in a little house there close to Gibson's a while.
Q About how long? A I could not tell how long; she stayed there but all the while she had that little house by me.
Q Where was Jane Alberty then? A She was part of the time with my sister, Mrs. Eaton.
Q In the Cherokee Nation? A Yes, sir.
Q Where was she the other time? A She worked part of the time in the Nation and part of the time in Arkansas.
Q But she worked more of the time in Arkansas than she did in the Nation? A No, sir, I don't know.
Q Now, where is this George Gibson's house withreference to the line?

Mr. Hastings: About how far east of the line? A About 50 steps.

Mr. Brown? A Isn't it a fact that the line runs across the porch? A No, sir, it is just outside of the fence.
Q Then, you are satisfied that since the return of Jennie Ballard in 1902 up until 12 months ago, she has never lived in the Cherokee Nation? A She never made her home in the Cherokee Nation.
Q Well, has she or has she not lived in the Cherokee Nation since?
A Well, not of my knowledge.
Q Well, you stated positively the other day that she hadn't lived in the Nation? A Well, I don't know that she ever did; she never had a residence in the Cherokee Nation.
Q Well, do you know that she didn't? A Well, if she did I never knew it.

J. O. Rossum, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossum

Subscribed and sworn to before me this September 15th, 1902.

Commissioner.

Cher. Fr. D-659.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 17, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JENNIE BALLARD, ET AL., as Cherokee Freedmen.

Appearances:
Myron White, Attorney for Applicants:
W. W. Hastings, Attorney for Cherokee Nation.

Witnesses placed under the rule.

JENNIE BALLARD: beingfirst duly sworn, testified as follows on her own behalf:

BY COMMISSION: What is your name? A Jennie Ballard.
Q How old are you? A About forty-four, I guess, as well as I know.
Q What is your post office? A Tahlequah.
Q In what istrict do you live? A I really don't know, I live in Tahlequah.
Q You live in the Cherokee Nation, do you? A Yes sir.

MR. WHITE: How long have you lived in the Cherokee Nation, Mrs. Ballard? A I have livedthere all my life.
Q You were born in the Cherokee Nation, were you? A Yes sir.
Q During that time, Mrs. Ballard, have you ever moved from the Cherokee Nation permaently, went away from there to make your home at another place? A No sir, I have worked away from there, backwards and forwards all my life.
Q Where have you worked, Mrs. Ballard? A In Cincinnati, and right on the line near Westville.
Q Have you ever worked in any other nation or country in the Indian Territory? A Yes sir, I lived here in this place a couple of years, then I worked in Okmulgee. When I was first married we lived at Okmulgee on a ranch some three or four years.
Q You may state whether or not at any time you ever moved all of your effects, all of your belongings, from the Indian Territory. A No sir, never. I never have gone and took my household goods after I moved here.
Q Have you ever been away from the Indian Territory as long as a year? A Not without coming back.
Q What was your name before you were married? A Jane Alberty, sisterof Jeff's.
Q Were you ever enrolled as a citizen of the Cherokee Nation under that name? A Yes sir, Tuck Alberty enrolled me as Jane Alberty, in the year 1880.

MR. HASTINGS: Where were you living when Tuck enrolled you? A Between Jack Alberty's and Buffington's.
Q With whom were youmliving? A Nicey Alberty, my grandmother.
Q How far were you living from John or Jack Alberty? A About a quarter of a mile from Jack Alberty.
Q Jack Alberty's name is John? A About a quarter of a mile, rightout in a little glade.
Q Were you married at that time? A No sir, not at that time, but I married shortly afterwards.
Q How old is your oldest child? A Twenty-two.
Q What is his name? A Malcolm Ballard.

Q Is that the oldest child you evergave birth to? A After I was married to Ballard. I never was married until I married John Ballard.
Q Did you have a child before that? A Yessir.
Q What is its name? A Its name is William.
Q How old is William? A I guess he is about twenty-five or twenty-four, somewhere along there. I really don't know exactly.
Q William was alive in 1880, was he? A yes sir, he was alive. He is alive now.
Q Did you have him enrolled with you in 1880? A I really don't know whether I did or not. I didn't give in the names, my grandmother did, I suppose she did.
Q Were you present when yourname was given in? A Yes sir, I was.
Q You heard it given in? A Yes sir, I t hink Will was enrolled by George Riggs.
Q This Tuck Alberty is the same man that is now a senator?
A yes sir, I saw him yesterday before I started over here.
Q This child of yours, then, is not on the roll of 1880 at present, along with you? A No sir, I think not.
Q You had an aunt by the name of Jane Alberty? A No sir, I had an aunt by the name of Lugene Alberty. Never had one by the name of Jane. Only wasone in the family and that's me, my name is Jane myself.
Q Your aunt never went by the name of Jane? A No sir, 'cause everybody knows that's not her name.
Q You know it is not her name? A Everybody did.
Q Everybody in Goingsnake District know that too? A Yes sir.
Q Tuck Alberty knows it is her name? A Yes sir.
Q Jack Alberty knows it was not her name? A Yes sir, he knew it wasn't her name.
Q You are positive, you know it wasn't her name? A yes sir, because she as my mother's sister. She testified my brother was her brother; she testified she was married, and everybody knew she never had been married.
Q You have been married? A yes sir.
Q What is your name now? A Bal lard. My husband and me separated, and I have nevergot a divorce, but I still go by the name of Ballard. My name used to be Alberty.
Q They all know you by the name of Jane? A yes sir.
Q Mrs. Georgs Gibson was a white woman? A yes sir, and her name was Jane, I nursed for her. My grand mother lived in the yard and done the work, and I nursed in t he house, just like Mrs. Richardson is doing for you.
Q Gibson lived over in Arkansas? A yes sir, about a half a mile right over the line, and the onter Gibson lived about four miles from him.
Q You belonged to Gibson? A No sir, I belonged to old John Alberty. I was little and don't know anything about i t. I was at Gibson's place, and my grandmother worked there.
Q That is the same John Alberty that testified in this case?
A No sir, it was old Jack Alberty that testified in this case. He enrolled me, and then he come right down here and tried to take me off the roll.
Q You belonged to Mr. Gibson, a white man, did you? A No sir, never did belong to him. He never owned me. I only worked for him when I was small.
Q Is he alive? A Yes sir.
Q You never asked him to act as a witness for you? A yes sir, I asked him to come. I said I would ask him to come. Didn't ask him to come now.. Mt aunty worked for him as much as I ever did, and when t hey left I left too.
Q Her name wasn't jane? A No sir.

Q How is it you come by thename of Jennie? A That's all the same, but Lugene and Jane isn't. Her name is Malsarine Lugene.
Q Where were you living when you married? A Between Jack Alberty's and Tucksy.
Q Who married you? A Old Uncle Isaac Buckhannon. He is dead now.
Q How lon did you live up there after you married? A Seven weeks right then.
Q Who did you live with? A I lived with my grandmother; was living with her when I married, and afterwards.
Q In what year were you married? A In the spring of 1880.
Q About what month? A The third day of April, I think it was about that time, it was in the spring of the year.
Q Now after about seven weeks, you state, where did you move to? A Out to Okmulgee to Fred Severs' to cook, on a ranch. My husband was working out there when he come an d married me. He stayed in Goingsnake seven weeks and afterwards went back.
Q You went to Okmulgee? A Yes sir, out on a ranch.
Q How long did you stay out there? A Some three or four years, I don't know exactly.
Q Then where did you go? A I come here.
Q To Muskogee? A Yes sir, right here to Muskogee.
Q How long did you stay at Muskogee that time? A I really don't know, sir, just exactly how long I lived here.
Q About how long; your best judgment? A I really don't know. At that time I never thought it was necessary to keep any record. I was young and didn't think aboutmit, and of course I don't know.
Q As mu ch as five years? A No sir, I didn't live here as much as five years.
Q As much as three years? A No sir. Well, I don't hardly know whether it was as much as three years or not.
Q In the neighborhood of three years? A yes sir, my best judgment I really don't know.
Q Is that your best judgment? A yes sir, my best judgment.
Q Where did you go from here? A Went back to Goingsnake to my grandmother there on the branch at Bob Williams', around the mountain over here.
Q Had you an d your husband separated? A Yes sir; not exactly separated. I just went off and left him in the Creek Nation at work, went to grandmother's. She was sick.
Q How long did you stay up there with your grandmother when she was sick? A I stayed until she died, afte- her death.
Q Then did you come back here? A Yes sir.
Q How long were you over there attenting your grandmother's sickness? A I spent from February, I believe, or was it before Christmas? I really don't know just exactly. It was in the winter time, and I stayed until the opening of spring.
Q Two or three months? A Yes sir, I suppose it was.
Q Where did you go then? A I come back over here.
Q How long did you stay here that time? A I really don't know sir.
Q How long have you been living at Tahlequah this last time?
A I don't know sir.
Q Well, about how long? A I guess it is somewhere in the neighborhood of five years this time.
Q Where did you come from this time? A Cincinnati, Arkansas, five miles from Westville.
Q With whom were you living up there? A I was working for first one then another. I worked for several families up there.
Q Can you name some of them? A Bob Rowe, Bill Rowe, Oates, Spence.
Q Keep house? A Yes sir, sometimes I did.Just like I did at Tahlequah. Sometimes at home, and sometimes at Aunt 'Liza's hotel, and sometimes at Ballard's restaurant.

Q How long were you over there just before you came to Tahlequah, five years, you said? A I really don't know just exactly how long I was over there, but you remember I hadbeen to Tahlequah before. I hd went over there and back over here.
Q Had you been in Arkansas five years? A At one time, no sir.
Q All along togethr before you moved to Tahlequah? A Not at any one time. I hadbeen going backwards and forwards to Cincinnati five years, but didn't stay that long any one time.
Q How long did you ever stay there at any one time?
A I don't know.
Q Your best judgment? No response.

MR. WHITE: Tell as near as you can tell how long you stayed there.

BY COMMISSION: Answer the question. Do you know?
A Yes sir, at one time, been there five or six months.

MR. HASTINGS: When did you ever have a house first in the Cherokee Nation, keep house first? A When I kept house first myself?
Q Yes? A Oh, I have always had a house in the Cherokee Nation.
Q Did you have one there in 1840? A All my life. I had a house in 1840?
Q Yes? A I really don't know.
Q Did you have one there in 1850? A I don't know.
Q When did you first keep house yourself in the Cherokee Nation?
A I always kept house with grandmother when I was at home.
Q You made your grandmother's place your home? A Yes sir.
Q After your grandmother died, and after you married, when did you keep house separate andapart from your grandmother first in the Cherokee Nation? A After I went back there from Muskogee here.
Q When was that? A I reall don't know sir.
Q About how long ago, your best judgment? A The Commission will tell you, I can't tell you.
Q You can't answer it to a day or a month, but your best judgment as to when that was you first kept house in the Cherokee Nation separate and apart from your grandmother? A About nine or ten years ago, I guess.
Q Whereabouts did you keep house? A I never, really can't remember of keeping house by myself, just living alone by myself since. After grandmother's death I stayed at Mr. Duncan's, Mrs. Nancy Duncan's, and my aunt, after grandmother's death.
Q Where did she live? A Not far from Jack Alberty's place.
Q She is dead? A Yes sir, she is dead.
Q I thought you said you left there immediately after your grandmother's death? A I went back and kept house. That's a fact. I went back after her death. I come back here, and then went over there.
Q How longdid you keep house with Mrs Duncan? Didn't you then work for her? A Yes sir.
Q Did you ever keep house over there anywhere separate and apart from working for other people? A No sir, I don't believe I ever did, in Goingsnake, after grandmother's death.
Q Did you ever, anywhere in the Cherokee Nation? A Yes sir, in Tahlequah. I have been keeping house there for nine or ten years in Tahlequah.
Q That is the first place you kept house in the Cherokee Nation, is it? A Yes sir, keeping house separately without working for somebody, living in the house and working for people.
Q That is the first house you have everoccupied? A Yes sir, since grandmother's death. I went everywhere I wanted to, and when I got through working I went home tomher.

BY COMMISSION: What was your father's name? A I don't know. My mother died when I was a little kid, and I never did see my father.
Q What is your mother's name? A Martha Alberty.
Q Were you born before the war? A Yes sir.
Q Were you a slave? A Yes sir.
Q Who was your master? A Old Johnnie Alberty.
Q When is the first time you ever left the Cherokee Nation?
A In the spring of 1880.
Q Where did you go then? A Went to the Creek Nation out on a ranch.
Q When is the first time you went to Arkansas? A The first time I went to Arkansas?
Q Yes.

BY MR. WHITE: The first time you were ever over there.
A That is when I was a little kid. My grandmother lived over there before I was grown and married. My grandmother had a little cab in at Mr. George Gibson's. She done the outside work and I nursed. After she left and built overin the Nation I lived with her.

BY COMMISSION: Where were you living when the 1880 roll was made?
A In between Jack Alberty's and Buffington's and Tucksy's.
Q In Goingsnake District? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q When was the first time you ever went to Arkansas after 1880?
A About ten years ago, I don't know what year it was in; about ten years ago when I first began to work backwards and forwards in Arkansas.
Q About 1893, is that the first time you ever worked over there since 1880? A Yes sir.
Q Where did you go to? A Sincinnati, worked five miles beyond Westville.
Q How long did you stay in Cincinnati at that time? A Sometimes five months, sometimes six.
Q How longdid you live there continuously at that time in Arkansas?
A I really don't know sir.
Q When did you come back to the Cherokee Nation from Arkansas the last time? A About five years ago,
Q Your former testimony before the Commission taken at Chelsea June 10, 1901, didn't you say that you came to Tahlequah nine months ago from Cincinnati, Arkansas? That would make it in about 1900?
A No sir, I didn't say it, but somebody else did state I come there nine months before. I said I hadbeen there three years. I heard it was said I had been there only nine months, or nine weeks or something.
Q Is it or is it not a fact that you removed from Cincinnati, Arkansas, the last time in 1900? A I have been there going on five years, five years this month, I reckon it is, in Tahlequah, this last time. I have been living backwards and forwards now for about ten or twelve years.
Q Have you been living at Tahlequah continuously for the last five years? A Yes sir.
Q Never been in Arkansas during that time? A No sir.
Q How long did you live in Arkansas at any one time, all the time?
A I told you that I livedthere sometimes five or six months without going out, and then I would come out, and go over to Tahlequah, go from Tahlequah to work and then come back again.
Q Did you ever live there for eight or nine years at a time?
A No sir, never did, never in my life.
Q When you went to Arkansas after 1880, did you leave any property in the Cherokee Nation?

A I left my household. When I left Okmulgee I left our household, expecting to come back and get it, and didn't get it. When I left here I leftpart of what I had, and never did get it.
Q Did you have property in the Cherokee Nation all the time when you were in Arkansas? A Had my household. Never had property anywhere, always lived with my grandmother or somebody else. I never had a home.

MR. WHITE: Property is bed clothing, or any personal effects. That is what he asked you.

MR. HASTINGS: What household effects did you have after you left over there, what became of that, over in Goingsnake in 1880? Didn't those household effects belong to your grandmother with whom you lived? A No sir, not altogether. Of course some belonged to me. I had my own bedding and my own bedsteads and such things like anyone else.
Q How many bedsteads did you have? A I had one or two.
Q Do you know which? A I know I had two.
Q What became of them? A I really don't know what became of them, I don't know.
Q You don't know what became of any of those household effects?
A I had seven wagon loads, and only took two back tomTahlequah. I don't know where they are. I had enough to furnish two good houses, stoves and beds and everything else.
Q All kinds? A Yes sir.
Q You never thought enough of them to look after them, did you?
A Yes sir, I did, but it neverdid go me any good. It didn't amount to much for me to look after them.
Q You don't know what became of those you left in Goingsnake District? A Of course I don't know what became of them.
Q They just went with her estate? A No sir, I don't know anything about her estate either.

BY COMMISSION: Who did you say gave your name in to be enrolled in 1880? A Nicey Alberty, my grandmother.
Q Were you living with her at that time? A Yes sir.
Q Who else was in the family at that time, was there anybody else?
A Yes sir, she had a daughter of her own. I had a brother name Jeff. The daughter was Lugenia. Lugenia and Jeff.
Q Lugenia Alberty and Jeff Alberty, you and your grandmother, were all living together in 1880? A Yes sir.
Q Where were you living when the Wallace roll was made?
A When the Wallace roll was made?
Q Yes, in whatdistrict? A I was working at Mrs. Duncan's, as well as I remember.
Q Near what town? A It is about a mile from the old place, where my mother was born and raised in Goingsnake District.
Q What is Mrs. Duncan's name, herfirst name? A Nancy, as well as I remember. I really don't remember. I know one thing. I had come back from the Creek Nation, and Mr. Jack Alberty enrolled me for the Wallace roll. I had just had come home, the last trip I made out there.
Q How much money did you get in 1880? Were you married when the Wallace roll was made? A Yes sir, and had lived in the Creek Nation
Q What was your husband's name at that time? A John Ballard.
Q Were you living with him? A Yessir, but he and I wasn't together We wasn't separated, but he was working for someone.
Q You stayed with Mrs. Duncan, you say? A I really don't exactly knowwhere I was staying when the Wallace roll was made, but I know I hadjust come home from the Creek Nation, I was working for someone.

Q How much money did you get in 1880? A I only drew for myself and two children, I believe, three children.
Q What was their names? A Lena, William and Malcolm, I believe.
Q Alberty? A No sir.
Q What was their family name? A Lena Blade and William Blade and Malcolm Ballard. I think I drew for myself and three children.
Q How much for each one of the children? A I think fifteen dollars and something. It hasbeen so long I have forgotten. I was young then and didn't pay any attention to those things, and didn't keep any memorandum.
Q Where did you draw that money? A At Braggs Station.
Q Who paid it to you? A I have forgotten the paymaster now, I don't know.
Q But you drew for yourself and those three children? A Yes sir.
Q Were their names on the 1880 roll? A No sir, their names wasn't on the 1880 roll.
Q Are you speaking then of the Wallace payment? A Yes sir, it is the Wallace payment? Wasn't that what you was speaking about?
Q I am asking about the1880 payment? A Fifteen dollars, I believe. I didn't get themoney on the 1880 roll because I was in the Creek Nation. Tuck Alberty drew this money for my grandmother, and I never got it.
Q You say Tuck Alberty got the money in 1880? A Yes sir, he drew for my grandmother and got my money. I never did see it, I wasn't here. I thought you was talking about the Wallace payment.
Q Weren't you here at all in 1880? A No sir, I married in the year 1880, and that spring I went out in the Creek Nation. I wasn't here. I was here in the winter of 1880, but I married, and that spring I went out on a ranch and worked, and when the payment come off for this enrollment I wasn't here. I was out in the Creek Nation on a ranch cooking for Fred Severs, near Okmulgee.
Q You married along about April of 1880? A Yes sir, somewhere along about the spring of the year, an d seven weeks after I was married -
Q Did you stay until after Christmas of that year?
A Yes sir, I stayed longer than that.
Q How long did you stay? A I really don't know, quite a while.

TRIM BARKER, being first duly sworn, and being examined, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Trim Barker.
Q What is your post office? A Summers.
Q In what district do you live? A We don't have any districts.
Q You live in Arkansas? A Yes sir.
Q Do you know Jennie Ballard? A Yes sir.
Q Who was her father? A A man by the name of Harrell.
Q Was he a colored man? A Yes sir.
Q Was he a state raised man? A I don't know anything about that, he was grown up, I hardly knew him, but so I have been informed.
Q Did you know him before Jennie Ballard was born?
A Yes sir, I knew him before. I was small, but I knew him.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Harrell.
Q Was his owner a Cherokee? A No sir, his owner was a white man.
Q Where did you live when he was a slave? A Lived in Washington County, right on the line.
Q Was he living there when the war broke out? A Yes sir, he was living there when the war broke out.

Q Living in Washington County, Arkansas? A Yes sir.
Q Did you know Jennie Ballard at that time? A I have only known her since 1872.
Q Who was her mother? A A woman by the name of Martha Alberty, I think that is correct. That is the best of my knowledge. These things have been a long time back.
Q Where was Jennie Ballard living when you first got acquainted with her? A I suppose she was living in Rabbit Track with her grandmother.
Q Where is that? A That is over here in Peavine.
Q In what state? A In the Territory.
Q In what Nation? A Cherokee.
Q How longdid she continue to live there? A I went to Kansas in 1874, and when I came back she was living at George Crittenden's in the Territory.
Q When did you come back from Kansas? A I come back in 1875.
Q She was living at George Crittenden's, in what district?
A It was in Goingsnake.
Q How long did she continue to live there in Goingsnake District?
A She lived there from that time until sometime in 1880, when she married, to the best of my knowledge, there at Jack Alberty's. They had cabins on each one of those places, I helped put up one of them.
Q She livedthere until she married? A Yes sir.
Q Where did she go then? A Went to Okmulgee.
Q When did she come back to the Cherokee Nation? A It was some three or four years, as well as I recollect.
Q How long did she live in the Cherokee Nation at that time? when she came back from Okmulgee? A She livedthere quite a while, I don't know how long. I am just unable to say. She worked in the state, backwards and forwards, and returned home.
Q Did she ever go to Arkansas? A She was over there and worked there.
Q Wen did she go to Arkansas the first time after 1880?
A I am sort of of the opinion that ~~it~~ she didn't go to Arkansas until after she came back from the Creek Nation; thatmis the best of my knowledge about it. It has been quite a long while ago; it seems to me that's the way.
Q About how many years ago is that she went to Arkansas after she came from the Creek Nation? A It is somewhere in the 80s, I don't know just what year.
Q Along in the 80s? A Yes sir.
Q How long did she stay there at that time? A I don't remember that, but after she came back from the Creek Nation she stopped about Mr. Williams' over there, Bob Williams', and her husband worked for a man by the name of Moore out there north of Okmulgee, and he just stayed there quite a while, I don't know how long. Jennie here came back to her grandma's and stopped and stayed there I think until she died. Then she went to his mother's and she stayed there, I don't know how long. I moved then some six or eight miles away, south, I don't know, but the next I heard of her she was down here about Tahlequah.
Q Do you know when she came back to Tahlequah the last time from Arkansas? A I lived about ten miles. I don't know just exactly when she did come back, but it was after - I don't remember whether it was before the payment or not, sometime along in there.
Q Was that the Wallace payment? A I don't know whether it was the Wallace payment or what it was.
Q To the best of your recollection, how many years ago did she come back to the Cherokee Nation from Arkansas the last time? A How many years was it been? Well, I would be safe in saying fourteen, I reckon, sixteen, somewhere along there, since she came back from the Creek Nation.

Q When did she come back from Arkansas the last time? A I am unable to say just when that was. It has been quite a while.
Q How long has she been living at Tahlequah? A She has surely been there as much as ten years; that's the best of my knowledge.
Q For the last ten years? A If that is correct. I may be mistaken but I think that is about it.
Q Have you seen her there during this ten years? A I seen her there, yes sir, making my visits up about Westville, in that neighborhood there. I don't know that I had been to Tahlequah more than once since Jennie has been there.
Q How often have you been to Tahlequah during the last ten years? A One time.
Q When was that? A That is about the time the Wallace enrollment was made.
Q You have not been there since? A Just once since that.
Q When was you there since that? A It has been, I reckon, a couple of years ago.
Q About two years ago? A Yes sir, I think that is correct.
Q What time of the year? A In the fall.
Q Would it be in the fall of 1901? A Somewheres along there.
Q Did you see Jennie Ballard at that time? A Yes sir.
Q There in Tahlequah? A Yes sir, seen her since coming out, going to show, and that's the last time.
Q When did you see her before that? A About the time she went to Tahlequah, I suppose ten years age. Saw her once in ten years, if I am right, about ten years being the proper time of her coming there.
Q You saw her once about ten years ago, and the next time in the fall of 1901? A Yes sir, about two years ago.
Q How do you know that she has been living in Tahlequah for the last ten years? A By her absence, asnear as I can establish it, by being away from her old neighborhood in and about Alberty's and in the state there where I live.
Q You couldn't say, then, of your own knowledge, that she has lived continuously there for the last ten years? A That is the best of my knowledge, as far as I can get it.
Q You don't know where she went to, between the time you saw her ten years age, and the time you saw her two years ago?
A I only heard of her being about Tahlequah.
Q Do you know how long she stayed in Arkansas the last time she was over there? A No sir, I don't.
Q Do you know how long she livedthere at any one time?
A No sir, I don't. I reckon the longest time she ever livedthere was while she was in the infant state. She was ever there nursing for Gibeon directly after the war to my knowledge.
Q How long did she stay there then? A She couldn't have stayed over a yearor a year and a half. She was with her grandmother there at that time.
Q Do you know of her having property in the Cherokee Nation?
A To the best of my knowledge, when we came from Muskogee, or from Okmulgee back, there was a portion of her things left at her grandmother's.
Q Where was that? A That was at Bob Williams' in Going Snake District.
Q When did she leave propert there? A When she was on her moveback from the Creek Nation.
Q That was several years after 1880? A I suppose she did. I could'nt be right positive, but circumstances makes me believe she did. She went to herhusband's mother, in the house, and I suppose left part of her things at Martha Williams' or John Harrell's, or whichever you might call it.
Q How do you know that she left some of her things there? A I suppose she did. I just heard she did, I don't positively know it, but I have a right to believe it, simply because her mother-in-law just had a little house -

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Q You didn't see any of the things? A No sir, I didn't. I couldn't tell you that I did.
Q Did you ever see any property at any time since 1880 that she left in the Cherokee Nation? A I have been to her house, whether her property should have been if she had any, at her grandmother's.
Q You don't know? A No sir, I just don't know, but I believe it.
Q Where was she livingin the spring of 1880? A To the best of my knowledge she was at Crittenden's, either at Crittenden's or Alberty(s now, I wouldn't be positive.
Q Which Alberty's? A Jack's.
Q You don't know whether she was living at Crittenden's or Jack Alberty's? A One of them two places.
Q Do you remember when the census takers came around in 1880? A No, I can't tell you when they came around in 1880, but my understanding is that she was taken in the 1880 census.

MR. HASTINGS: You are not a citizen? A No sir, I no citizen. I was right on the line there.

BY COMMISSION: Where were you living in 1880? A I was living in Washington County, Arkansas.
Q Have you livedthere ever since? A Ever since, not exactly at the same place where I was living at the time she livedthere, but five miles away at present.
Q How long have you lived in Washington County, Arkansas? A I have lived in there all of nine years. I am living - I am fifty-six years old next birthday.
Q You have livedthere the last forty years, haven't you? A Principally right in the neighborhood at that place.
Q Have you ever lived in the Cherokee Nation? A I lived in the Cherokee Nation one year.
Q When was that? A That was in 1871.
Q Where did you live? A In Sequoyah.
Q Since 1871 you have never lived in the Cherokee Nation? A No sir, never have.
Q How far did you live from Jennie Ballard in 1880? A I live , I suppose, three-quarters of a mile.
Q You were on one side of the line an she was on the other? A Yes sir.
Q Did you ever know Missy Alberty? A Yes sir.
Q Was she a colored woman? A Yes sir.
Q Was she any relation to Jennie Ballard? A She was her grandmother
Q Did Missy Alberty have a husband at that time? A No sir.
Q What was herhusband's name? A I don't know.
Q Who all was livingin Missy Alberty's family in 1880? A There was her daughter.
Q What was her name? A Gene.
Q Gene Alberty? A Yes sir.
Q Who else? A Jennie.
Q Jennie what? A She was Alberty herself at that time.
Q Who else? A Rosa.
Q Rosa Alberty? A Yes sir.
Q Who else? A Jeff, her grandson, Jennie's brother.
Q They were all living together in 1880, were they? A Yes sir.
Q Do you know whether Jennie Alberty has an aunt? A Yes sir.
Q What is her name? A Gene was what I always heard her called.
Q Where was this aunt livingin 1880? A She was living with her mother.
Q What is her mother's name? A Missy Alberty.
Q Was she living there in Goingsnake District too? A Yessir.
Q Was she living in the same family then with Jennie Ballard? A Yes sir.

Q How much older is this aunt than this woman?
A I suppose she must be six or eight or ten years older. That is my judgment about it.
Q Did this woman go by any other name be i des Jennie Alberty?
A She goes by the name of jennie Ballard now.
Q Did she ever go by any other name than Jennie?
A No sir, none that I ever heard of, Jennie Ballard, and she married of course.
Q Before she was married she was always called Jennie Alberty, was she? A Always.

MR. WHITE: You have known thiswoman since 1872? A Yes sir.
Q Do you remember the time when she was working over in Arkansas?
A Oh yes.
Q Now during that time, did you consider that she lived in Arkansas.

Mr. Hastings: I object to that.

Q How long did she stay over there at any one time, to your knowledge? A She couldn't have stayed long, for her mother was mostly in the Territory at the time. Just to tell you the truth abot it, tell you as near as I can about it, she was one season, the season of 1874, her grandmother came up tomGeorge Gibson's and lived some part of the time. I went to Kansas in '74 and come back in '75 and found them inthe Territory in '75. They couldn't have stayed long. They just went over there to make their living, that's the fact of it.

MR. HASTINGS: You just knew her in '72? A Yes sir.
Q Where was her first child born? A It was born, the first child, on Jack Alberty's place.
Q When? A It must have been, to tell you as near as I can, it was in the 80s.
Q 1882 or '3 A I wouldn't say just what, but somewhere in the 80s I know.
Q Are you positive about that? A Yes sir, I think I am.
Q Now uncle, do you know anything about time or dates?
A I do if I try to keep them, but on this occasion I didn't try to keep them.
Q Don't you know she had a child born long before 1880?
A It might have been.
Q That shows you don't know much about the year 1880, do you?
A I know that her second child was born in the 80s.
Q I am asking you about the first child? A
A It may be possible that it wasn't out of the 80s, it may be that.
Q How, do you know? A I am not trying to affirm it hardly, because I don't know.
Q I am asking you now if you don't know?
A I say I tell you I don't know just when her child was born.
Q And yet you knew so much about this woman?
A About her second child? A Her grandmother and her aunts went away, and I visited the place -
Q How about her first child? Do you know where it was born?
A Yes sir, I do.
Q It was born at George Crittenden's? A Yes sir
Q You lived ever in the state? A Yes sir.
Q You never had any right here? A No sir.
Q Never claimed any? A No, don't know anything about it.
Q You never had any occasion to enrollem the 1880 roll? A No sir.
Q Nor the Wallace roll? A No sir.
Q Nor the 1896 roll? A No sir, I don't know anything about the Indian affairs.

Q You don't know anything about the rest of those little Indian payments? A Never heard.
Q You don't know about them? A No.
Q You never testified in this case? A No sir.
Q You are a colored man? A yes sir, nigger.
Q I want to know if you know of yourmown personal knowledge about her effects, or did you see some effects in her grandmother's house?
A Just simply because she was there. It was said she had some things there.
Q You don't know of your own knowledge?
A No sir, I couldn't be positive, but I have a right to believe.
Q This woman testifies herself that she lived in Arkansas, and come from there about five years ago down to Tahlequah, and yet you testify you never saw her around up there? A I told you I moved away some distance, where I wasn't likely to see her.
Q When did you move away? A I went away from there sometime in 1888, when I left the neighborhood.
Q How far did you move away from there? A About seven miles.
Q Since that time you don't know much about it?
A Just know she is backwards and forth down here to Tahlequah.
Q You never saw her here but once?
A Just saw her once, saw her coming away.
Q You don't know of your own personal knowledge where she lived?
Q No sir, just had a right to believe I know.
Q I am asking what you know? Did you ever see this woman keeping house in the Cherokee Nation separate and apart from her grandmother. Never have been to her house, outside of her grandmother's house, I told you.
Q Do you know when her grandmother died? A Yes sir.
Q When? A I think it was about, as well as I can recollect, it was in 1886.
Q When did her mother die? A I don't know, it was before the war.

JACK FUNKHOUSER, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Jack Funkhouser.
Q How old are you? A I am fifty-two.
Q Where do you live? A I live in the state.
Q What state? A Arkansas.
Q What county? A Washington.
Q What is your post office? A Summers.
Q How long have you been living in that county?
A Well sir, I was born and raised there.
Q Never lived any place else?
A I have been to different places for mayve five or six months.
Q You never lived in the Cherokee Nation?
A I lived here in the Cherokee Nation during the time of the war.
Q Have you ever lived in the Cherokee Nation since the war?
A No sir, only just in and out.
Q Do you know Jennie Ballard? A yes sir.
Q How long have you known her? A When I got acquainted with Jennie Ballard it was in '66. She came in on the farm I was working on with her owners, which is John Alberty and Mose Alberty, and his son Jess.
Q Where did you see her at that time? A I seen her right there in three miles of Cincinnati, south of Cincinnati.
Q In Washington County, Arkansas?
A Yes sir, that was in '66.

Q What time of the year was that? A It was in the spring.
Q How long did she stay there at that time? A The parties that brought her there, they stayed until fall. They made a crop on the same place I worked on. Then in the fall they moved over into the nation to their own homes. They caused them to rent there, the farm was all burnt out, they had no fence. They just got their crops in the state, and then moved back in the nation.
Q What nation? A Cherokee nation.
Q How old was Jennie Alberty at that time? A I wouldn't say how old she was, because she was a small girl, nothing but a smallkid As for her grandmother, I couldn't say what age she was, I don't know. Of course I could n't state her age unless I knew it.
Q You didn't know her at the beginning of the war, did you?
A No sir, I didn't know her at the beginning of the war. I knowed her mother, though.
Q Did you know Jennie Ballard in 1880? A Yes sir.
Q Do you know when she got married? A I couldn't.
Q Do you know whether she was ever married?
A Yes sir, I know she was married.
Q Do you know how long ago that has been? A I don't know whether it was in 1870 or 1880 she married, couldn't say.
Q Where was she living when she married?
A She was living there with her mother between Jack Alberty's and Buffington's.
Q You say she was living with her grandmother? A Yes sir.
Q Was anybody else living in the family? A Her brother.
Q What is his name? A Jeff.
Q Jeff Alberty? A Yes sir.
Q Who else was livingin the family? A Her daughter. She had a daughter by the name of Rose.
Q That is Jennie Ballard's daughter?
A No sir, that is her grandmother's daughter.
Q Who else was livingin the family besides those you named?
A She had a son, but then he wasn't living there with her at that time. I don't know where he was living at that time.
Q Do you ever hear this woman called anything except Jennie?
A I have heard her called Jane.
Q When was she called Jane? A They used to call her Jane when she lived out there where I was, where the Alberty's made a crop and left here.
Q Which name was she generally known by, Jennie or Jane?
A I suppose we mostly called her Jennie., but her grandmother called her Jane.
Q Were you ever at her grandmother's house, A Yes sir.
Q When? A I helped to put up her little hut.
Q Were you ever there before 1880? A Yes sir, I was.
Q Did you see this woman there? A Yes sir.
Q Where was - do you know whether this woman had an aunt or not?
A Yes sir.
Q What was her name? A Lugenia.
Q Was she ever called by any other name except Lugenia?
A If she was I don't know it.
Q Where did she live at the time this woman was living there with her grandmother in 1880? A If I recollect right, she was living with a man by the name of Thompson.
Q This woman's aunt, then, wasn't living with Jennie Alberty in 1880?
A No sir, she wasn't at that time.
Q Did she live there at any time during 1880?
A If she did, I don't know anything about it.
Q Was this aunt married in 1880 A No sir.

Q You say she was living with a man?
A She was working for a man by the name of Thomasson.
Q What was his first name? A Tiff.
Q Is he dead now, or alive? A He is alive.
Q Where does he live? A He lives in the st te.
Q What is his post office? A Cincinnati, I suppose.
Q Is he a white man? A Yes sir.
Q You think he lives in Cincinnati, Arkansas? A Yes sir.
Q When did Jennie B allard first go to Arkansas after 1880?
A She was there in '66.
Q After 1880? A Jennie Ballard come here in the Creek Nation, right after she married she come into the Creek Nation. I don't know but what she stayed out here four or five years. I aint certain how long she stayed out here, but I know she stayed here in the Creek Nation, then she come back to her grandmother's
Q When did she first go to Arkansas after 1880?
A I don't remember.
Q When was she in Arkansas the last time to work or live?
A The last time to live? She was there a while in 1880.
Q How long disd she stay then?
A She never stayed there very long.
Q What time of the year was that? A In the fall.
Q After she was married? A That was a long time after she was married, five or six years, I guess; then she came right back into the Territory again.
Q You think she was married five or six years after 1880?
A I think she was married somewheres along in the 70s.
Q When did you see her in Arkansas he last time? A I don't know.
Q How long has that been ago, that you ever saw her in Arkansas?
A Yes sir, I saw her in Arkansas.
Q When did you see her the last time? A Last Spring.
Q How long had she been living there at that time?
A She didn't live there no time. She come up there one week and back the next week. I believe she came right back the same week. She come up there the last time I seen her there.
Q When was the last time she was there to live?
A I couldn't tell you nothing about the last time she was there to live, because when she come over there why she never would stay there no time. She always held the Cherokee Nation her home and come right back over there.
Q Did she ever stay in Arkansas as much as a month?
A I guess she has stayed there - I don't know, I couldn't say how long she stayed at her grandmother's. You know she was at her grandmother's, her mother-in-law's, I mean.
Q At her mother-in-law's? A Yes sir.
Q What is her mother-in-law's name? A Ballard.
Q Nannie Ballard? A Maria Ballard.
Q How far did you live from there, from Maria Ballard?
A About three miles. I never said Nannie B allard, Maria Ballard.
Q Do you know how long - what is the longest time she ever stayed in Arkansas at one time since 1880? A I don't remember, I wouldn't say. Of course I was sort of like a wild horse. I baffled around a good deal myself.
Q Have you been right there since 1880 all the time?
A I have made that my home, but still I was travelin around di ferent places, but then that is my home.
Q You h ve not been there since 1880 then all the time, have you?
A No sir, I have been in and out once in a while.
Do you know where Jennie Ballard hasbeen li ving for the last ten years? A Down here at Tahlequah, as far as I recollect.

A Right at Tahlequah for the last ten years,has she?
A I don't know just exactly whether she has been there ten years or not, but I know she has been in the Territory. I couldn't keep up where she has been in the Territory.
Q Has she lived in Arkansas any time during the last ten years , since 1893? A No sir, she hasbeen making her home here.
Q She has not lived in Arkansas at all since 1893?
A Not to my knowing.
Q Do you know where she has lived during the last ten years?
A I wouldn't begin to say where she has been living. She has been living in the Territory, but I couldn't say whether she has been living at one place or different places.
Q How often have you seen her during the last ten years?
A I don't know that either. I seen Jennie several times, a good many times. I used to peddle at Tahlequah, and I seen her a good many times at Tahlequah.
Q When did you see her there the last time?
A January, last January.
Q When did you see her before that? A I haven't seen her all the time before that. Of course that's the last time. I aint been to Tahlequah for a year, since I was there last January. Before the railroad come to Tahlequah I peddled there every fall. Jennie was living there in Tahlequah then.
Q You mean the Ozark & Cherokee Central Railroad? A Yes sir.
Q Before that was built you peddled every fall in Tahlequah?
A I peddled a good deal right in Tahlequah, from Tahlequah to Okmulgee, and to this place.
Q Did you see Jennie Ballard there every fall?
A I wouldn't say to see her every fall. I seen her off and on. Of course when I come to Jennie's house I would see her, and other times I have been to herhouse and wouldn't see her.
Q How did you know she was some place else in the Cherokee Nation?
A Just by asking the people. They said Jennie was gone.
Q I mean of your own knowledge. You didn't know of your own knowledge where she was? A Oh no, I didn't know. I know she always held the Cherokee country for her home. Of course I had no forethought of studying about where she is living in the Territory. I know she belonged to the Territory.

MR. HASTINGS: What year is this? A '93.
Q How old are you? A Fifty-two.
Q Have you ever been up before the courts?
A No sir, this is the first time I was ever before the court.
Q Ever arrested? A No sir.
Q You are a colored man, are you? A I am a nigger. I aint a colored man at all, just a natural nigger.
Q How long have you lived in the vicinity of Cincinnati?
A Livedthere forty-two years.
Q When was the last time you knew Jennie Ballard to live in that vicinity and work there? Has she worked around there in the last ten years? A I don't remember.
Q You don't recollect about that? A No sir.
Q Don't you know she left there about three years ago and come down to Tahlequah? A No sir.
Q She swears herself she left there five years ago. How about that? Are youprepared to dispute that?
A Just let me study a while.

Applicant: Five years.

Q The applicant has just interrupted and statedthe time?
A No sir.

Q Didn't you hear her say just now, in the presence of the Commission - A Yes sir, I heard her say.
Q Before that you hadn't seen her for ten years? A Yes sir.
Q At work? A I haven't seen her at work.
Q You never saw her at work in your life?
A Yes sir, I have, many a time.
Q You think she married about 1870?
A Yes sir, somewhere along about there.
Q Is that your best idea about dates?
A Yes sir, I aint no reading man, and don't keep no record.
Q You have got no occasion to know about dates, do you? A No sir.
Q You don't know about how long ago 1880 was, do you?
A I reckon I do.
Q Did you have occasion to remember the year 1880? I ought to have.
Q Why? A I had a wife that I ought to know something about that, because she belonged to the Nation.
Q In 1880? A Yes sir.
Q You know that in 1880 she had been married ten years, from 1870?
A I didn't say I knowed it.
Q What do you know about it? A I said I know she was married.
Q About when was she married?
A I couldn't tell. I couldn't say what year, because I don't know.
Q Has she any children? A Yes sir, she has got children.
Q What is the oldest child's name? A Bill.
Q When was he born? A I don't know. I don't know when none of her children was born.
Q Where was he born? A He was born there by Alberty's, between Jack Alberty's, I think, and Buffington's.
Q Do you know where he was born? You say you thought he was born-
A I don't know that he was born there, but I heard it said he was born there, by the old lady that was there.
Q Was she married when William was born? A No sir, she wasn't.
Q Where was Malcolm born?
A Malcolm was born there in the nation, I guess.
Q Do you know? A No sir, I don't know it.
Q You don't know where he was born? A No sir.
Q You don't know where she was living? A I know where she was living when Bill was born.
Q I am talking about Malcolm. Do you know where she was living when Malcolm was born? A No sir.
Q What is the next child, if she has got one? Has she got another child besides Malcolm? A Yes sir, Kitty.
Q Where was Kitty born? A There in the Territory.
Q Where? A At Buffington's.
Q You swear that now of your own knowledge?
A No, I wouldn't swear it of my own knowledge, because it is hearsay. I wouldn't swear she was home, I wouldn't swear it.
Q Has she an other child except Will, Malcolm and Kitty? Has she another child? A Of course she has.
Q What are their names? A Spate.
Q Where was Spate born? A I don't know where he was born, whether he was born in the Creek Nation or where.
Q You haven't kept up with her residence very much, have you?
A No sir.
Q Has this woman ever kept house in Coingsnake District?
A I can't say that, I know she lived in the Territory.
Q Did she ever have a separate house, keep house up there away from her grandmother? A Not to my knowledge.
Q You never did know of her keeping house up there, her and her husband, separate and apart from her grandmother? Answer that yes or no. A No sir, I don't know.

Q What were you peddling every fall, whisky?
A If I was peddling whisky?
Q You said you was peddling?
A Peddled flour
Q When did you first see this woman keep house at Tahlequah, what year? A I couldn't say what year.
Q To the best of your knowledge, what year? A I don't know whether it was 1895 or '94.
Q You don't know what year it was, do you? No response.
Q Have you ever been at her house?
A Yes sir, I have been at her house.
Q How many times? A I don't know.
Q About how many? A I don't keep no record of it. I was at her house, though.

KY LITTLE, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Ky Little.
Q How old are you? A I don't know exactly how old. I am something over fifty, I guess.
Q Were you born before the war? A Yes sir, I was twelve years old when the war come out.
Q What is your post office? A Summers.
Q In what county and state is that? A Washington.
Q What state? A Arkansas.
Q Washington County, Arkansas? A Yes sir.
Q How long have you lived there? A Raised there.
Q Lived there all your life? A Yes sir.
Q Ever live in the Cherokee Nation?
A No sir, lived right on the line of the Cherokee Nation.
Q How far from the line?
A It is said to be about four miles, hardly so far.
Q Lived right there in the same place all your life, have you?
A Yes sir, right there all my life. Was never out of there only one year, that was in the time of the war, the last year of the war.
Q Where did you go then? A Went to Texas. Peace was made and I come back and been here ever since.
Q How long have you known Jennie Ballard?
A I have been knowing JennieBallard ever since about the war.
Q When did you first get acquainted with her?
A When I first got acquainted with Jennie Ballard it was at old Uncle George Gibson's place.
Q When? A Well, I couldn't -
Q Was it after the war? A Yes sir, after the war.
Q How long after the war? A I suppose it might have been four or five or six years, though I couldn't tell you exactly how long after the war.
Q Who was she living with at that time? A I got acquainted with her
Q Yes, who was Jennie Ballard living with then? A When I first got acquainted with her her home was with her grandmother. Her grandmother was named Nice Alberty, and when I first saw her she was at old Uncle George Gibson's. Her grandmother lived right across the line there, and that was her home, over in the Territory. She made that her home, but she was working backwards and forwards into the state once in a while.
Q Where did George Gibson live? A George Gibson lived right on the line. The line run right by his door, he said.
Q What is Jennie Ballard's father's name? Who was her father?
A I couldn't tell you who was her father.

Q Who was h r mother? A I wasn't acquainted with her mother. Her mother died during the war.
Q During the war? A Sometime during the war, the last year of the war or sometime. I never did see her mother. I saw her grandmother and the rest of the folks.
Q Have you known of her continuously since that time, since ~~xhx~~ you first got acquainted with her, five or six years after the war?
A Yes sir.
Q Have you seen her often? A No sir, I never seen her. I seen her when she was over there, and she has been backwards and forwards in the Nation nearly all the time. She stayed a while at Cincinnati, and she is backwards and forwards in the Nation. Of course I couldn't see her all the time. When she was married, of course-
Q When was she married? A She was married in & '70, I think.
Q 1870? A Yes sir, I think.
Q Has she ever been married more than once?
A No sir, not as I know of.
Q Where was she living when she married?
A When she married she was living with her grandmother.
Q Who else was livingin the family at that time?
A Gene was living with her, that's her aunt., and she had an other daughter, hergrandmother did, named Rose, and a young fellow by the name of Jeff Alberty, all living there together.
Q What was Rose's family name? A Rose, she married.
Q What was her surname? Was it Rose Alberty?
A Yes sir, Rose Alberty.
Q What name did Jannie Ballard go by in 1880 before she was married ? A She went by the name of Jennie Alberty.
Q She was always known by thatname? A Yes sir.
Q Never known by any other name? A No sir, never was known by any other name.
Q How long did she stay there after she was married?
A I coubdn't tellyou exactly how long, but she didn't stay there very long after she was married.
Q Where did she go? A She went to Okmulgee to old Fred Sever's.
Q Did she come back during that same year? From Okmulgee?
No sir I don't think she came back there the same year. When she ~~x~~ come she didn't come there in the State then.
Q How many weeks before or after she was married before she left for Okmulgee? A I don't expect it was more than - might have been seven or eight weeks, I wouldn't be certain, it was about that. Anyway I know she went to Okmulgee shortly after she was married.
Q This woman you call Gene what was her full name? A Lugene .
Q Was she the aunt of Jennie Ballard? A Yes sir she always went by the name of Lugene.
Q How much older was she than Jennie Ballard? A I couldn't tell you but she is right smart older than Jennie.
Q Was she four or five years older? A Yes, probably older than that. She was living there with the same family of Jennie Ballard?
A Yes sir, she was living there in the same family. She considered that her home. She hired out you know, but that is her originate home.
Q I am talking now about this Jennie Ballard's aunt? A Thats what I am talking ab out, she made her home, but then she was hired out like people does, she was hired and she worked over there for a fellow by the name of Thomasson.
Q Where was this Lugene Alberty when this woman Jennie got married?
A Let me study on it, I couldn't be positive, but it pears like to me, whether she was over in the territory at Thomasson or not I wouldn't be positive. She may have been at Thomasson's but she was over in the nation.

Q Do you know where Lugene Alberty was living when Jennie Ballard was married? A Her home was with her mother.
Q I am asking where she was living when Jennie Ellard got mattied? A Thats is what I am trying to study for certain, but it pears like to me - I am just trying to locate her just where she was at.
Q I am asking if you know where Lugene Alberty was living when Jennie was marrie d? A Yes sir, I know what you asked?
Q Do you know? A I can't - but then I believe she was living over here in the Territory.
Q Was Lugene Alberty living with her mother Nicey Alberty at the time this woman got married? A That was her home, that was where she lived when she got married, when she wasn't working out.
Q Did Lugene Alberty stay with her mother during the time this woman was in Okmulgee? A Yes sir, she was backwards and forwards with her mother.
Q Did Jennie Ballard ever live in Arkansas? A Yes sir, she lived in Arkansas.
Q When did she live there? After she got married when did she live there? A After she got married ? After she got married she went to Okmulgee and moved back and come back and stayed in the Nation. The old man he didn't come on. He stayed quite a while, pretty near all the fall and she stopped over to her grand-mother's and stayed. Then they come on after he come and stayed in the State a while and back in the Nation a while then. She didn't make that her home, I know her~~s~~, she has been backwards and forwards to the nation.
Q How long did she stay over to Okmulgee? A I guess she must have stayed over there something over a year I guess.
Q Over a year? A Yes sir, I guess she did.
Q She didn't stay any longer than that? A I don't know whether she did or not.
Q After she come back from Okmulgee, how long did she stay in the Cherokee Nation? A I guess she stayed in the Cherokee Nation after she come back from Okmulgee, I guess she stayed there seven or eight months until late in the fall over here at her grandmothers
Q She,left there the same fall she came back from Okmulgee? A She come back from Okmulgee and stayed at her grand-mother's.
Q What nation? A Cherokee Nation.
Q How long did she stay there? A I guess she must have stayed 7 or 8 months at her grand-mother's.
Q Where did she go? A She went then over there to the State.
Q What State? A Arkansas.
Q How long did she stay in Arkansas at that time? A I couldn't tell you exactly how long she did stay in Arkansas.
Q Five years? A No sir, I don't guess she stayed that long.
Q One year? A I guess longer than on e year, I couldn't tell you.
Q Your best jud ment how many years she stay in Arkansas at that time? A I couldn't tell you exacly, but it was between two and three years anyway, I will say that anyway.
Q Did she have any property in the Cherokee Nation when she went to Arkansas that time? A She had some few bed clothes over there at her grand-mother's.
Q Do you know of your own knowled e that she had any propert ? A I know of my own knowledge that she had clothes there for she stayed with my wife during the time my wife was sick and I know she brought some bed clothes over there and she taken them back with her, had them hauled back. Had that kind of property there.
Q When was that? A That was along then , when she had that property there, that was before she w s married you must remember.
Q After she was married do you know of her having property in the Cherokee Nation? A After she was married?
Q Yes. A Yes sir, she had property after she was married, she had property at Tahlequan.

Q When was that? A That was during about the time before payment that come off. Had property there then before it come off.
Q What payment is that? A That was - I couldn't tell youm. That was that last payment that has been made you know.
Q What kind of property did she have? A She had bedding and some furnitue of some kind, some plunder, I couldn't tell exactly, but I know she had property of some deseri ption of that kind, but just to tell you what furniture what it was I couldn't tell you that.
Q Where does she live now? A Down here at Tahlequha.
Q How long has she been living there continuously? A To my knowing she has been at Tahlequah seven or eight years.
Q All the time during the last seven or eight years ? A I reckon, she comes over there in the State and visits or something and comes back.
Q She hasn't lived over in Arkansas during the last eight years then has she? A No sir, I don't think she did. I think if I aint mistaken for the last seven or eight years she has made her home - I know she has been as high as seven years ~~xx~~ if not longer, over here in and about Muskogee.
Q How do you know she has lived there the last seven years?
A I know she has not been in the State, been out of there and I supposed she was in the nation.
Q You are positive she has not lived in Arkansas for the last seven years? A At least I think that would be about right.Of course just to come back to the record and come up all about it I couldn't come down to the fact of it and say that for certain. Of course I know she has been anyway in Tahlequah quite a while, ever since the payment , before the payment. Before the payment come on she has been living there, and you know pretty much how long that has been. She has been living in the Nation ever since.
Q Has she ever lived in Araksas since she ~~has~~ ~~been~~ married?
A Yes sir ~~she~~ since she has been married.
Q When? A She went over to Okmulgee and come back and stopped in the nation awhile at her grandmother's., and stayed there awhile and then moved to the State.
Q How long has she lived in Arkansas altogether, since she was married? A I don't believe I could tell you exactly.
Q Has she lived in Arkansas during the last ten years?
A I don't know whether she's made that her home --
Q I am asking you whether she has lived there during the last ten ye years? A In Arkansas, made that her home?
Q No, I am asking you if she has lived there, do you know?
A I can tell you like this, ~~if~~ ~~she~~ after she moved off and come back to the State -- she went out to the Creek Nation and come back to the Cherokee Nation and stayed there quite awhile and then went back to the State and stayed there; then backwards and forth to her grandmother's; her home all during the time when she was working out for other people, they lived on the Creek on a little place between Mrs. Buffington's and Crittenden's on the Creek down there. I know she lived there, she has been living in the Nation pritty nigh all her life, except she may have been out maybe ten or 12 years out of the nation, maybe not so long. But she couldn't have lived in the State more than ten years at the outside.
Q Did she ever live in Arkansas for 8 or 9 years at one time ?
A As I say, she couldn't have lived in the State more than 8 or 9 years at the outside, and she didn't live there that long. She didn't stay there 9 years.
Q Did she ever live there at one time, that is what I am speaking about now? A I don't think she ever lived there that long. She might have stayed there that long.
Q Did she ever stay there that long, 8 o r 9 years at one time?
A Not altogether just to say stay there and not go anywhere else. She has been there probably that time.
Q When did she stay there that long? A She stayed there that long after she married.

Q How long after she married? A I couldn't go on and tell you about how long.
Q Was that after she came back from Okmulgee?
A yes sir. She come back-- and I undersyand, I know so, she stayed there all the time.
Q Well, did she stay there? A She stayed there and didn't go anywhere else, only back over to her grandmother's of course, just like people would go to their fol ks.
Q During those 8 or 9 years didn't she stay there more than she stayed any place else? A More than she did any where else?
Q Yes? You said she probably stayed there 8 or 9 years at a time after she was married. Did she stay there more than she stayed any where else?? A No, She couldn't. She didn't stay there -- you mean did she stay there in the State more than any where else, in preference to anywhere else?
Q How often have you seen her during the last ten years?
A I have seen her several times.
Q How often have you seen her, see her every years
A At Tahlequah, every year I wouldn't say. I see her when I come to Tahlequah.
Q How often did you go to Tahlequah? A Sometimes I would be there once a year. Sometimes I wouldn't see her for a year, but then I know she was in Tahlequah, and sometimes she would come up from Tahlequah.
Q How many years has it been since she stayed in Arkansas 8 or 9 years at one time? A In Arkansas?
Q yes? A As I say I just couldn't go and tell you how long it has been.
Q You know it is since she married? A Yes sir.

BY APPLICANT: Did you say 8 or 9 years at one time?
A No, not at one time. I couldn't say that you stayed there all the time.

BY COMMISSION TO APPLICANT: If you want to ask him any questions you may ask him now.

BY APPLICANT: No, I don't want to ask him any questions, only you are trying to make him say I was out 8 or 9 years at one time.

MR. HASTINGS: What year i s this, uncle? A Lets see, I couldn't tell you.
Q You are a colored man? A Yes sir, but I'm not educated or nothing.
Q You don't know anything about dates do you? A No sir, that 's just the fact about it .
Q You don't know a thing about the year this woman was married, do you? A The year she was married?
Q Yes? A No, just to come to the facts and tell about it.
Q You know that? A No sir.
Q You don't know, do you? A No sir, I couldn't be positive just about the date.
Q You couldn't tell within 5 years of the time she married?
A No sir, just to come down to the date, I couldn't do it.
Q You don't know when her grandmother died, do you? A No, I couldn't tell.
Q You couldn't tell within 5 years, could you?
A I could if I kept account of the years .
Q Lets see if you do?
A I don't know when she died.
Q You couldn't tell within 5 years? A No sir.
Q You couldn't tell within 5 years of the time this woman married, could you? A No sir.

Q You never saw this woman keeping house separate and apart from her grandmother? In the Cherokee Nation, did you?
A Separate and apart?
Q Away from her grandmother? A No sir.
Q You did know of her keeping house in the states after she married? A Yes sir.
Q She and her husband? A Yes sir, I knowed she lived with her grandmother before that.
Q She never keep house separate and apart from her grandmother?
A No sir.
Q You did know of her keephing house over in Arkansas, didn't you? A Yes sir.
Q You couldn't tell within 5 years? A No sir, just to come down to the facts, I couldn't unless I was posted and knew all about it. You can't find many that does know all about it.
Q You don't know much about it, do you?
A All I can tell you about it that I knowed her when she lived in the nation.
Q When she lived wihh her grandmother? A And, no, she belonged to the Alberty's.
Q You knew her when she lived with her grandmother? A Yes sir.
Q You knew her when she worked for George Gibson? A Yes sir.
Q In the states? A Yes sir.
Q You knew her when she worked for the Harrell's, did you?
A Yes sir. No, she never worked for Harrell's, she worked for Gibson's. Lugene worked for Harre ll's.
Q You thinkthis woman married as early as 1870? A 1870?
Q yes? A To come right down to the dates, of course I couldn't come right doeh to the dates, but of course I know when she married.
Q Which comes first, 1860 or 1870, do you know? A '70, isn't it?
Q L870 comes first? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that a stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Sworn to and subscribed before me this 21st day of November, 1903.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jane Alberty et al., as Cherokee Freedmen, consolidating the applications of:

Jane Alberty	Cherokee Freedmen D 1034
Maud Garrett	Cherokee Freedmen D 1170
Jennie Ballard et al	Cherokee Freedmen D 669
Lena Hanks	Cherokee Freedmen D 1046

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen, were made to this Commission by, Jane Alberty for herself; by Emmet Starr for Maud Buffington, now Maud Garrett; by Jennie Ballard for herself and her minor children, Malcolm, Jeff, Spivey and Anna Ballard; by Lena Hanks for herself.

The evidence shows that Jane Alberty and Maud Garrett are Cherokee freedmen, and are identified on the Cherokee authenticated roll of 1880; that Jennie Ballard was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but was brought back to said nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs Cherokee Nation et al., for the return of Freedmen to the Cherokee Nation; that Malcolm, Jeff, Spivey and Anna Ballard and Lena Hanks are her children, born after 1866.

The evidence further shows that Jane Alberty has lived in the Cherokee Nation and Indian Territory continuously since her enrollment in 1880; that Maud Garrett, since her enrollment in 1880, has lived in the Cherokee Nation and Indian Territory continuously, with the exception of six months in 1890, when she was attending school in Kansas; that Jennie Ballard, since her return to the Cherokee Nation as hereinbefore shown, has been absent from the Cherokee Nation and Indian Territory, but that such absences were not of a permanent nature and she did not become a citizen of any other

government through or during said absences. Her minor children, deriving their rights through their said mother, their residence in the Cherokee Nation and Indian Territory is considered as being established thereing that Lena Hanks, the adult daughter of Jennie Ballard, was born in the Cherokee Nation, and her only residence aside and apart from said Nation and Indian Territory, was during her mother's guardianship when she lived with her said mother, who was a temporary resident of the State of Arkansas, and her mother's residence, as hereinbefore shown, extends to her daughter, Lena Hanks.

It is further shown that said Lena Hanks was born in 1881 and was married in 1897, since which latter time she has been a continuous resident of the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of the Commission that Jane Alberty, Maud Garrett, Jennie Ballard, Malcolm Ballard, Jeff Ballard, Spivey Ballard, Anna Ballard and Lena Hanks should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 1904

MH Cherokee D-1345.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.
Tahlequah, I. T., October 27, 1904.

In the matter of the application of Jennie Ballard for the enrollment of herself and children, Malcolm, Jeff, Spivey and Anna as Cherokee freedman.

Anna Howard, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Anna Howard.
Q How old are you? A 18.
Q What is your postoffice? A Welling.
Q Was your postoffice Tahlquah when you were enrolled? A Yes.
Q Are you a Cherokee freedman? A Yes.
Q Are you married? A Yes.
Q What is the name of your husband? A Thomas Howard.
Q Is he a Cherokee freedman? A No.
Q When were you married? A 28th of September, 1902.
Q Are you and he living together now? A Yes.

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I, May Hudson, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

May Hudson.

Subscribed and sworn to before me this 29th day of October, 1904.

William P. Reed
Notary Public.

Cherokee Freedman 1348.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 5, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jeff Ballard as a Cherokee freedman.

ROBERT RATLIFF, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Robert Ratliff.
Q How old are you? A 34.
Q What isyour post office? A Tahlequah.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q Do you know Jennie Ballard? A Yes sir.
Q Is this her present here? A Yes sir.
Q Do you know her children? A Yes sir.
Q Did she have one that died? A Yes sir.
Q What was its name? A Jeff Ballard.
Q About how old was he when he died? A Well, I don't know just about how old he was.
Q About? A He looked to be between 18 and 20, he wasquite a young man.
Q Do you know when he died? A Yes, he died,--he was buried on the 9th of September, died about the 8th as near as I can come at it. I efficiated in the burying of him.
Q What year was that? A That was in 1902.
Q Where was he buried? A Tahlequah, one mile east.
Q Was he buried in the cemetery? A Yes sir, in a neighborhood cemetery out there.
Q By what name is the graveyard known? A Ross Graveyard I suppose.
Q Named after whom? A Uncle Ike Ross set that piece of ground off for a graveyard, and I guess that is what it goes by.
Q About a mile east of town? A Yes sir.
Q Are you any relation to Jeff Ballard? A No sir.
Q Are you sure as to the date of his death? A I think I am.
Q Do you know that you are? A Why, yes sir, I pretty much know it, I keep a record I guess of everybody I bury. I have been following that business for the last 12 years,of everybody I have buried up until the present time.
Q Have you your record with you? A No sir, I haven,t the record, I have a little sketch but I haven't got the big book that I keep everybody name in that I buried. Here is a record of it.
Q You have hear a book in which there are numerous items of different character among them upon one page a number of names with dates of death, what are they supposed to represent? A Nothing I just keep sketches of them.
Q What do they represent? A Nothing, just put them down.
Q Well I know, do they represent the names of people who died?
A Yes sir, all the se people here you see the names of are people that died and I efficiated in burying them.
Q When were these intries made in this book? A They have been in there ever since the parties died I guess. I just take them as they died. Whenever I have anything to do with the burying I just put the names down.
Q Were all these names written down here at the time the parties died or seen thereafter? A Yes sir, right after the death of the people. I waited on them and helped bury and see after them myself.

Q What is your occupation? A I am just a common laborer.
Q You speak of officiating at their burial? A I just see after their burial.
Q You mean just digging the grave? A Yes sir, and getting the coffins and soliciting---
Q Who do you represent? A No one.
Q Do you sell coffins yourself? A No sir, I just take interest in such cases like that.
Q You state you solicit? A I do, I get up burying funds for people that die, poor people that die I take a petition and solicit funds for burying them.
Q You say each of these items were written down there soon after the death of the parties? A Yes sir.
Q I will ask you to examine the book and see if the name of Jeff Ballard, this applicant, appears in there? A Jeff Ballard died September 8, 1902, yes sir.
Q There appears in the book following "Jack Ross, died August the 2, 1902" the entry "Jef Balerd died Sep. the 8, 1902," Can you state positively when this entry as to the death of Jeff Ballard was made in there? A Yes sir, right immediately. I guess the same night he laid a corpse. I don't know exactly now but I know I put it in there.
Q Is the Jeff Ballard whose name appears in there the identical person as this Jeff Ballard the son of Jennie Ballard? A He is the son of Jennie Ballard, and one that I buried.
Q Who did the writing in that book? A Me, it is mine.
Q If Jennie Ballard executed an affidavit as to the death of her child, Jeff Ballard, August 14, 1902, are you prepared to state that she is incorrect? A No sir, I aint. I just kept the sketch--I don't know nothing about her statement.
Q She filed with the Commission an affidavit as to the death of her son on August 14, 1902, are you prepared to state that that is incorrect? A I don't know, I only keep my records, I don't know anything about her records. I only keep a record of people as I bury them.
Q Are you just testifying from memory? A Yes sir.
Q Do you remember the circumstance of writing that in that book?
A No sir, I don't.
Q Do you know whether it was made right soon after he died? A I don't know, it might have been. I put them in here but can't state the date.
Q Have you any personal recollection as to the date of his death?
A No more than this little record.
Q That is all you are testifying from? A Yes sir. My record might be wrong but I don't believe it is.
Q Did you buy the coffin in which he was buried? A No sir.
Q Who did he buy it from? A I don't know anything about it. I helped dig the grave and carried him out in my own wagon.

W I T N E S S E X C U S E D .

JENNIE BALLARD, being first duly sworn, testified as follows,

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Jennie Ballard.
Q How old are you? A 44 years old.
Q What is your post office? A Tahlequah.
Q Are you a Cherokee freedman? A Yes sir.
Q Did you have a child named Jeff Ballard? A Yes sir.
Q Is he dead? A Yes sir.
Q When did he die? A 1902, September 8.

Q Are you sure as to the date of his death? A Yes sir. I have no minutes of his death, it is only by experience. I nursed him 12 months during sickness and along in June, July and August was his worse sickness, that is where I get my minutes,--I nursed him those 12 months.

Q You have no record of his death? A No sir, I kept none only just by experience. In June he began to get worse, July still worse and in August he began to get worse and in September he died of consumption. When the railroad and new bridge came along I stayed at home with him by myself, and at his death I was in bed when he was a corpse.

Q Are you fixing the date of his death by what some one told you?

A Only by experience and what my mind tells me of his nursing.

Q Have you ever executed an affidavit as to the date of his death?

Q No sir, I haven't made any, this is my first.

Q Iwill ask you to examine this paper I hand you and see whether that is your signature? A Yes sir, it looks like mine.

Q The paper I handed you was an affidavit signed by you on April 11, 1905, as to the death of your child Jeff Ballard on August 14, 1902? A I told them that I had been told later that he died at that date. When I went to file my youngest boy they asked me if Jeff was my child and I said yes sir, and they asked me if I knew when he died and I told them I always thought he died September 8 but that I had been told he dele August 14, but that wasn't they way I always had it.

Q Then you have signed an affidavit as to his death? A I signed that, no other affidavit.

Q You were wrong a moment ago when you stated that you never signed any affidavit as to his death? A Yes sir, I was that far, guess I was thinking you meant making an affidavit some other way besides papers in filing. I told them that I had it he died September 8 but I have heard since later-----

Q Let me talk awhile, do you think that you might be wrong as to the date of his death now? A No sir, I never have thought it, I told them then I didn't think it.

Q Who told you he died September 8, 1902? A Uncle Dan Alberty told me he heard he died September 8.

Q Who else? A Mr Hicks.

Q What Hicks? A Mr. Ed Hicks.

Q He the mantthat is in the hardware business at Tahlequah??

A Yes sir.

Q When was it Dan Alberty told you he died in September, how long ago? A Uncle Dan was there during his death and he always said he died in September, but Uncle Dan told me that Mr. Hicks said he died in August.

Q You stated a minute ago that Mr. Hicks told you he died in September? A No sir, I made a mistake if I did, Uncle Dan told me that Mr. Hicks said he died August 14, and Uncle Dan said he was surprised that he was satisfied he ~~was~~ died September 8. We were all so surprised---

Q Now when was it Dan told you that, how long ago? A It was---

Q Two or three weeks? A No sir, it was sometime last year, it was before I went in to file my boy, that is how come me to state that I thought my boy died september 8 but I had been told later he died August 14, that is what I told the Commissioners when they asked me.

Q Did you ever try to file for Jeff? A No sir.

Q Why? A There wasn't any one else filing and they never said anything to me about filing for him.

Q was it because you had made an affidavit as to his death before September 1, 1902? A No sir, that wasn't it at all.

Q Was it because you didn't think he was entitled to anything?
A I knew if it was according to his death being in September I thought he ought to be entitled, but really I never paid any attention about it. I have nobody to attend to my business and I never go until I am notified. I raised my children myself.
Q You are only testifying now as to the date of his death from what people have told you, are you? A No sir, I have told you it is by experience.
Q How old was Jeff when he died? A 18 years old.
Q Was he past his 18th year? Was he in his 18th year? A Yes sir.
Q You are sure of that are you? A Yes sir.
Q You got a child named Spiva? A Yes sir, Jeff was 15 months older than Spiva.
Q How old is Spiva now? A 21 years old in April.
Q You have a daughter named Anna? A Yes sir.
Q How old is she now? A I guess about 18. I really don't know.
Q How old is Malcolm? A About 24 or 25, somewhere along there.
Q You are sure Jeff was in his eighteenth year when he died? A Yes sir.
Q You applied for the enrollment of yourself and family at Chelsea, I. T. on June 10, 1901, did you not? A Yes sir, I went to Chelsea.
Q You gave the age of your son Jeff as 18 at that time, is that correct? A (No response).
Q was there about two years difference between Malcolm and Jeff?
A Yes sir, I suppose so, Two of the boys, just 15 months between the two.
Q That is Jeff and Spiva? A Yes sir.
Q From whom did you buy the coffin to bury Jeff? A Mr. Catliff and some of the folks I think they got the coffin from Mr. Hicks, I was in bed sick at his death.
Q The coffin was purchased from Mr. Hicks at Tahlequah? A Yes sir, I suppose so.
Q You paid for it, didn't you? A One of my boys and some of the folks in town paid for it. The oldest boy and the folks in town.
Q Did you buy his burial clothes at Tahlequah? A Yes sir, they got his whole burial wherever they got one piece they all all.
Q Well was it bought from Mr. Stapler? A Well I don't know sir, they bought it from the undertaker and paid for it. I didn't have a thing to do with that.
Q Have you any other witnesses here today? A No sir, no one else here today.

On Behalf of the Commissioner to witness:
You are advised that the hearing in the matter of the date of the death of your child, Jeff Ballard, will be continued until June 28, 1906.

Geo. H. Loosley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Loosley

Subscribed and sworn to before me this 5th day of June, 1906.

Chas B Webster
Notary Public.

Cherokee Freedmen 1346.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jeff Ballard as a Cherokee freedman.

APPEARANCES:
per Applicant, No Appearance.
per Cherokee Nation, W. W. Hastings.

ED D. HICKS, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Ed D. Hicks.
Q What is your age? A 40.
Q Post office? A Tahlequah.
Q In what business were you engaged during the months of August and September, 1902? A Well I was in the hardware and furniture business, and we carried undertaking also.
Q Working for the firm of J. W. Stapler & Son? A Yes sir.
Q At Tahlequah, Indian Territory? A Yes sir.
Q Do you know a colored woman in Tahlequah by the name of Jennie Ballard? A Yes sir.
Q Did you know her son Jeff Ballard? A Yes sir.
Q Do you know whether or not he is living or dead? A He is dead.
Q Did you keep a record of the coffins that you sold for deceased people? A Yes sir.
Q Have you that record with you? A Yes sir.
Q I will ask you to examine your record and state whether or not it shows that a coffin was sold for this same Jeff Ballard? A Yes sir, it shows that.
Q Well what does the record show? A The record shows that Jennie Ballard bought a coffin to bury Jeff Ballard in on the 14th of August, 1902. The record also shows that he died of consumption on that day at 11:30 A. M.
Q Does the record show the date of his burial? A The record shows he was buried on the 15th, the day following.
Q You know that this Jeff Ballard was a son of Jennie Ballard?
A Yes sir.
Q He had previously lived there in Tahlequah? A Yes sir.
Q Have you any other record? A Yes sir, this funeral record shows that coffin was settled by a note, they had no money, and our Bills Receivable book shows that identical note.
Q Have you that Bills Receivable book with you? A Yes sir.
Q And it shows that note? A Yes sir, on that day.
Q On the 14th day of August, 1902? A Yes sir, the note was signed by Will Blade and Spade Ballard. Spade Ballard was a brother of Jeff.
Q What does your record show, if anything, about the payment of that note? A It shows that that notewas paid. The note was for $11.50, it was due Aug 28, 1902, and it was paid in two payments of $4.50 on the 16th and the balance on August 23.
Q 1902? A 1902, yes sir.
Q Referring back to your record of deaths which you have in your possession what does the record show the date of the death of the person immediate and before the record of the death of Jeff Ballard? A Immediate and before it shows that Clifford Parris,a one

year old child of Ed Parris, died on the 12th day of August, 1902.
Q What does the record show of the death of the person immediately following the record of Jeff Ballard? A Immediately following that was James King, six months old child of Jim King, died on the 20th of August, 1902.
Q This has been in your possession since ~~xxxxx~~ continuously? A Yes sir.
Q You made that record yourself? A Yes sir.
Q In person? A In person.
Q You can swear positively it is correct? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Is Jennie Ballard a Cherokee freedman? A Said she is, I don't know, supposed to be, claims to be.
Q About how old was this Jeff Ballard at the date of his death?
A His age was given to me as 18 years old.
Q I believe you stated you knew him? A Yes sir.
Q Is that the correct age? A I think it was, yes sir.
Q There are a great many entries in the book you exhibited, "Record of Funerals," were each of the entries made in this book at the time the coffins were purchased? A Yes sir. When a person come in to purchase a coffin I first get the date of the death and everything. It was merely kept for information. There is no special reason for it.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

G. H. Lessley

Subscribed and sworn to before me this 24th day of July, 1903.

B. P. Rasmus
Notary Public.

Ex

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-689.

Muskogee, Indian Territory, October 17, 1903.

Jennie Ballard,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for enrollment of yourself and children as Cherokee Freedmen, you are advised that before a decision can be prepared in your case, further testimony is required as to your residence since 1880, and as to whether or not you left any property and effects in the Cherokee Nation during your absences in Arkansas.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Char e.

Cherokee Freedmen
D-689.

Muskogee, Indian Territory, October 17, 1903.

Louis T. Brown,
Agent for Jennie Ballard, et al.,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Jennie Ballard, et al., as Cherokee Freedmen, you are advised that before a decision can be prepared in her case, further testimony is required as to her residence since 1880, and as to whether or not she left any property and effects in the Cherokee Nation during her absences in Arkansas.

The applicant has therefore been notified to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1234 et al.

Muskogee, Indian Territory, April 20, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Jane Alberty et al., granting the applications for the enrollment of Jane Alberty, Maud Garrett, Jennie, Malcolm, Jeff, Spivey and Anna Ballard and Lena Hanks as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-24.

Chairman.

Cherokee Freedmen
D-[illegible].

Muskogee, Indian Territory, May 18, 1904.

Jennie Ballard,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting, among others, your application for the enrollment of yourself and your minor children, Malcolm, Jeff, Spivey and Anna Ballard, as Cherokee freedmen.

Respectfully,

Register

Commissioner in Charge.

Enc. D-52.

Cherokee Freedmen
1348

Muskogee, Indian Territory, June 6, 1906

Ed D. Hicks,

Tahlequah, Indian Territory.

Dear Sir:

On April 11, 1905, Jennie Ballard, of Tahlequah, Indian Territory, appeared before the Commission to the Five Civilized Tribes and executed an affidavit as to the death on August 14, 1902, of her child, Jeff Ballard. She has this day appeared before this office with her witness, Robert Ratliff, of Tahlequah, Indian Territory, and both testified that Jeff Ballard died September 8, 1902, instead of August 14, 1902.

Jennie Ballard states that you informed a certain party who informed her, that her child died August 14, 1902, and says that is the reason why she executed the affidavit as to the death of her son on that date. You are requested to advise this office at the earliest practicable date as to what information you have as to the correct date of the death of this person.

Ed D. Hick--g

Jennie Ballard states that the clothes and coffin in which Jeff Ballard was burried were purchased from the firm of John W. Stapler & Son.

There is enclosed for your reply a return penalty envelope.

Respectfully,

LMB Commissioner

Encl. R P E

Cherokee Freedman
1346

Muskogee, Indian Territory, June 6, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith copy of testimony taken June 5, 1906, in the matter of the application for the enrollment of Jeff Ballard as a Cherokee Freedman. This case has been set for hearing at Muskogee, Indian Territory, on Thursday, June 28, 1906, at which time the Cherokee Nation and the applicant will be permitted to introduce such testimony as they desire tending to show the date of the death of the said Jeff Ballard.

Respectfully,

LMB

Commissioner

Encl. B-7

Cherokee Freedmen
1245

Muskogee, Indian Territory, June 13, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

For your information there is enclosed herewith a copy of a letter received from Ed D. Hicks, of Tahlequah, Indian Territory, dated June 7, 1906, relative to the date of the death of Jeff Ballard an applicant for enrollment as a citizen of the Cherokee Nation.

A hearing as to the date of the death of Jeff Ballard has been set for June 28, 1906.

Respectfully,

Commissioner

LMB

Encl. B-31

Cherokee
J 1906

Muskogee, Indian Territory, July 26, 1906.

W. W. Hastings,

Attorney for the Cherokee nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 28, 1906, in the matter of the application for the enrollment of Jeff Ballard as a Cherokee freedman.

Respectfully,

Incl. SM-30.
CHL

Commissioner.

Washington, Indian Territory, February 24, 1897.

SPECIAL.

The Honorable,

The Secretary of the Interior.

Dear Sir:

I have the honor to report that the following persons whose names appear upon the approved partial roll of citizens of the Cherokee Nation, opposite the numbers preceding their respective names, died prior to September 1, 1902, as shown by evidence received by the Commission to the Five Civilized Tribes, and this office:

Cherokees by blood.

Roll Number	Name
4029	Benson, Terrell
4464	Howard, Mary E.
4882	Wiley, Roscoe H.
5509	Guinn, Silas
10197	Murrell, James
14389	Duffield, Amaline
20707	Burress, Charles F.
22614	Cloud, Joseph M.

Cherokee Freedmen.

Roll Number	Name
3703	Ballard, Jeff

Testimony taken by the Commission to the Five Civilized Tribes October 23, 1902, shows that said Terrell Benson died June 21, 1902.

Affidavit filed with the Commission to the Five Civilized Tribes January 22, 1906, shows that said Mary E. Hunnel died [illegible] in August, 1902.

Testimony taken by the Commission to the Five Civilized Tribes October 20, 1902, shows that said Reuben H. Vulty died February 5 or 6, 1902.

Testimony received by the Commission to the Five Civilized Tribes May 19, 1906, and by the Commissioner August 15, 1906, shows that said Silas Quinn died prior to September 1, 1902.

An affidavit filed with the Commissioner January 2, 1907, shows that said James Harrell died March 30, 1901.

An affidavit filed with the Commission to the Five Civilized Tribes November 20, 1902, shows that said Angeline Duffield died about January 20, 1901.

An affidavit filed with the Commissioner to the Five Civilized Tribes February 18, 1907, shows that said Charles F. Burgess died August 6, 1902.

An affidavit filed with the Commissioner to the Five Civilized Tribes July 10, 1906, shows that said Joseph H. Cloud died August 28, 1902.

An affidavit executed April 11, 1906, by Jennie Ballard, mother of said Jeff Ballard, which affidavit was filed with the Commission to the Five Civilized Tribes May 5, 1906, shows that

said child died August 14, 1902. Further proceedings in the matter of the date of the death of Jeff Hallett were had before the Commissioner at Muskogee, Indian Territory, June 5 and 20, 1906, from which it is shown that said Jeff Hallett died August 14, 1902.

In view of section twenty-six of the Act of Congress of July 20, 1908 (35 Stat. 718), these persons are not entitled to enrollment as citizens of the Cherokee Nation and it is respectfully recommended that their names be stricken from the approved roll of Cherokee citizens in the possession of the Department and the Commissioner of Indian Affairs, and that this office be authorized to strike their names from the copies of said roll in its possession.

The testimony and affidavits referred to are enclosed herewith.

Respectfully,

Enc. M-25
MH

Commissioner.

Through the Commissioner
of Indian Affairs.

LamA. S-26076 1 (Copy)
[illegible]
J R D

Enrollment cases of
Charles F. Burgess, et al. AUG -9 1909

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 25, 1909, (D 6433), there is transmitted herewith a report of March 13, 1909, from the Acting Commissioner to the Five Civilized Tribes, relative to the Cherokee enrollment cases of Charles F. Burgess, et al.

It appears that the Department approved schedules of citizens of the Cherokee Nation by blood containing the names of Charles F. Burgess, No. 20707; Joseph M. Cloud, No. 22614; Angeline Duffield, No. 14790; James Harrell, No. 10197; and Mary E. Heward, No. 4668, and also approved a schedule of Cherokee Freedmen containing the name of Jeff Ballard, opposite No. 3708 thereon.

Afterwards it was ascertained by the Commissioner to the Five Civilized Tribes, from evidence submitted by relatives of the above named persons, and in some cases from testimony taken, that these persons died prior to September 1, 1902. In view of the provisions of section 26 of the Act of July 1, 1902 (32 Stat. L., 716), the Department on March 4, 1907, cancelled their names from the approved rolls.

The Acting Commissioner reports that no notice given to the applicants or their representatives relative to the adverse action of the Commissioner or of the Department. It appears,

however, from the record in the case of Jeff Ballard that a hearing was had at which his mother appeared and testified as to the date of his death. In the other cases affidavits of relatives were taken as to the death of the applicants. It seems, therefore, as if an opportunity to present evidence as to the death of the applicants was afforded the parties in interest.

Inasmuch as under the provisions of section 31 of the above mentioned Act persons who died prior to September 1, 1902, are not entitled to allotment of land or other tribal property, even if their names appear on the approved roll, the Office is of the opinion that these cases are not analogous to that of John E. Goldsby, decided by the Supreme Court of the United States on November 30, 1908 (211 U. S. 249), and recommends that the Department take no action looking to the restoration of these applicants to the status of enrolled citizens or freedmen of the Cherokee Nation.

The record in these cases is inclosed for your further information.

The Office will submit, by letters of even date, separate reports in the other cases mentioned in the letter of the Acting Commissioner to the Five Civilized Tribes.

Very respectfully,
(Signed) F. H. Abbott,
Acting Commissioner.

JC-4
3762

Approved: September 8, 1909,
(Signed) Frank Pierce,
Acting Secretary.

Cherokee
Freedmen
1909.

Muskogee, Oklahoma, September 25, 1909.

Mrs. Jennie Ballard,

Tahlequah, Oklahoma.

Madam:

The Department, in considering the cases of persons whose names have been stricken from the approved rolls of Cherokee citizens in the light of the principles announced by the Supreme Court in its decision in the case of John E. Goldsby (211 U. S. 249), has decided that the case of your son, Jeff Ballard, whose name was stricken from the approved roll on March 4, 1907, is not analogous to the Goldsby case, and that, consequently, no action looking to the restoration of said name to the approved rolls of citizens of the Cherokee Nation will be taken.

A copy of Department letter of September 9, 1909, with reference to this matter is enclosed herewith.

Respectfully,

WSDM (LEA) Acting Commissioner.

Encl. 23-2.

December 17. 1900

Schlemm

Paris

Jan. - 11 Lepsius

END
OF
ROLL

